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ABSTRACT

This notebook is a collection of materials designed to support the workshops implemented under the Council of Chief State School Officers (CCSSO) Title 9 Equity Workshops Project for personnel from institutions of postsecondary education. It contains a collection of background readings and reference materials relevant to Title 9 and sex equity in education as well as worksheets to be used by participants during workshops. This notebook is one component of a multicomponent training model developed under a subcontract with the CCSSO by the Resource Center on Sex Roles in Education. The training model is designed to assist education personnel and interested citizens in the implementation of Title 9 and the attainment of sex equity in education. The training model will be utilized and tested on 20 regional workshops of the CCSSO's Title 9 Equity Workshops Project. (Author)

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ED155502

IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY IN EDUCATION

PARTICIPANT'S NOTEBOOK

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MATERIALS FOR PERSONNEL
FROM INSTITUTIONS OF POSTSECONDARY EDUCATION

TITLE IX EQUITY WORKSHOPS PROJECT

COUNCIL OF CHIEF STATE SCHOOL OFFICERS
Suite 701/1201 16th Street, N.W.
Washington, D.C. 20036

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
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CG 012443

IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY IN EDUCATION

PARTICIPANT'S NOTEBOOK

MATERIALS FOR PERSONNEL
FROM INSTITUTIONS OF POSTSECONDARY EDUCATION

Prepared for the
Council of Chief State School Officers'
Title IX Equity Workshops Project

by the
Resource Center on Sex Roles in Education
National Foundation for the Improvement of Education
Washington, D.C.

Prepared under contract #P-77-0139 for the Educational Equity Group of the National Institute of Education, Department of Health, Education, and Welfare. The Title IX Equity Workshops Project is funded under Contract #300-76-0456 for the Women's Program Staff, U.S. Office of Education, Department of Health, Education, and Welfare.

DISCRIMINATION PROHIBITED – No person in the United States, shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, or be so treated on the basis of sex under most education programs or activities receiving Federal assistance.

Preface

This participant's notebook has been prepared by the Resource Center on Sex Roles in Education as one component of a multicomponent training model developed under a subcontract with the Council of Chief State School Officers (CCSSO). The training model is designed to assist education personnel and interested citizens in the implementation of Title IX and the attainment of sex equity in education. The training model will be utilized and tested in the twenty regional workshops of the CCSSO's Title IX Equity Workshops Project. The Title IX Equity Workshops Project is funded under contract #300-76-0456 with the Women's Program Staff of the U.S. Office of Education, Department of Health, Education, and Welfare (DHEW). Funds for the development of participant materials to support the training model and regional workshops were provided by the National Institute of Education (DHEW) under contract #P-77-0139.

This notebook is a collection of materials designed to support the workshops implemented under the CCSSO Title IX Equity Workshops Project for personnel from institutions of postsecondary education. It contains a collection of background readings and reference materials relevant to Title IX and sex equity in education as well as the worksheets to be used by participants during workshops.

The participant's notebook was prepared by Martha Matthews, Shirley McCune, and Joyce Kaser. Shirley McCune and Martha Matthews are co-editors of the overall training model.

Acknowledgment is given to Sarita Schotta, Project Monitor, National Institute of Education for the advice and assistance provided in the development of the participant materials for the regional workshops. Acknowledgment is also given to M. Patricia Goins, Project Monitor, Women's Program Staff, U.S. Office of Education and to Joan Duval, Director, Women's Program Staff for their advice and assistance in the implementation of the contract for the CCSSO Title IX Equity Workshops Project.

Special appreciation is extended to the eleven subcontractors implementing the workshops for personnel from institutions of postsecondary education in the various HEW regions for their contributions and support throughout the project. These subcontractors and the dates and locations of their workshops are listed on the following page.

September, 1977

TITLE IX EQUITY WORKSHOPS FOR PERSONNEL FROM INSTITUTIONS OF POSTSECONDARY EDUCATION

Region*	Date	Location	Contact
I	(No Workshop Scheduled)		
II	Oct. 30-31	Grossingers, New York	Jacqueline Kane University of the State of New York 99 Washington Avenue Albany, New York 12230 (518) 474-5313
III	Nov. 10-11	Alexandria, Virginia	Norma Raffel Women's Equity Action League 510 Glenn Road State College, Pennsylvania 16801 (814) 237-3462
IV	Nov. 10-12	Atlanta, Georgia	Ellen Kimmel University of South Florida FAO 295, USF Tampa, Florida 33620 (813) 974-2100
V	Oct. 19-21	DeKalb, Illinois	Grace Chisholm University Council for Education Administration 29 West Woodruff Avenue Columbus, Ohio 43210 (615) 422-2564
VI	Oct. 13-14	Dallas, Texas	Frances Allen Dallas Independent School District 3700 Ross Avenue Dallas, Texas 75204 (214) 824-1620
VII	Nov. 2-4	Kansas City, Missouri	Caryl K. Smith University of Kansas 220 Strong Hall Lawrence, Kansas 66045 (913) 864-3552
VIII	Oct. 5-7	Denver, Colorado	Jean Kennedy Education Commission of the States 1860 Lincoln Street Denver, Colorado 80295 (303) 893-5200
IX	Nov. 6-8	Los Angeles, California	Susanne Shafer Arizona State University Tempe, Arizona 85281 (602) 965-3264
X	Jan. 22-24	Portland, Oregon	Kathryn Preecs Northwest Projects Office for Educational Service Portland State University P.O. Box 751 Portland, Oregon 97207 (503) 229-4624

* States included in each region are listed on the reverse of this page.

The workshops are organized according to HEW regions. States included in each region are:

- I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
- II: New Jersey, New York, Puerto Rico, Virgin Islands
- III: Delaware, Maryland, Pennsylvania, Virginia, Washington, D.C., West Virginia
- IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
- V: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
- VI: Arkansas, Louisiana, New Mexico, Oklahoma, Texas
- VII: Iowa, Kansas, Missouri, Nebraska
- VIII: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
- IX: Arizona, California, Hawaii, Nevada, Guam
- X: Alaska, Idaho, Oregon, Washington

TABLE OF CONTENTS

	<i>Page</i>
INTRODUCTORY MATERIALS	1
An Introduction to the Participant's Notebook.	3
An Introduction to the Title IX Equity Workshops Project.	5
"Implementing Title IX and Attaining Sex Equity in Education"— An Introduction to the Workshop.	9
REFERENCE MATERIALS	13
The Legal Context of Title IX: A Summary of Federal Laws Prohibiting Race and Sex Discrimination in Institutions of Postsecondary Education.	15
The Social/Educational Context of Title IX: Sex Discrimination and Sex Bias in Postsecondary Education	21
Title IX of the Education Amendments of 1972—A Summary of the Implementing Regulation	45
Evaluating Implementation of the Procedural Requirements for Title IX Compliance	59
Implementing Title IX and Attaining Sex Equity: Conditions and Strategies for Institutional/Professional Change	71
Enforcing Title IX: Grievance and Complaint Procedures	77
Overcoming Sex Discrimination in Vocational Education: Provisions of the Education Amendments of 1976.	79
GENERIC SESSION WORKSHEETS	
Implementing Title IX and Attaining Sex Equity: The Context of Title IX—Generic Session One Worksheets	
Implementing Title IX and Attaining Sex Equity in Education— An Introductory Assessment (Worksheet 1)	W-1
Identifying Discrimination—Case Examples (Worksheet 2)	W-2
Nonsexist Institutions—How Would They Look? (Worksheet 3)	W-3

TABLE OF CONTENTS—continued

	<i>Page</i>
Title IX: The Regulation and the Grievance Process— Generic Session Two Worksheets	
Sample Title IX Grievance Procedure A (Worksheet 4)	W-4
Sample Title IX Grievance Procedure B (Worksheet 5)	W-5
Checklist for Evaluating the Content of Grievance Procedures (Worksheets 6 and 7)	W-6/W-7
Sample Title IX Grievance (Worksheets 8-16)	W-8/W-16
Implementing Title IX and Attaining Sex Equity: Planning for Change—Generic Session Three Worksheets	
Implementing Title IX and Attaining Sex Equity: Conditions for Change (Worksheet 17)	W-17
Title IX Action Planning Sheet (Worksheet 18)	W-18
RESOURCES FOR IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY IN EDUCATION	R-1
Print Resources	R-2
Title IX and Its Implementation	R-2
Sex Discrimination/Sex Equity in Postsecondary Education	R-9
Women in the Academic Disciplines	R-14
Organizational Resources	R-17
Organizations Concerned With Sex Equity in Postsecondary Education	R-17
Rosters, Registries, and Directories of Women in the Professions	R-19
Appendixes	
Notes	

INTRODUCTORY MATERIALS

AN INTRODUCTION TO THE PARTICIPANT'S NOTEBOOK

This notebook is designed for use by participants in 11 regional workshops being implemented under the Title IX Equity Workshops Project of the Council of Chief State School Officers. The workshops are designed to assist personnel from institutions of postsecondary education and citizens working to implement Title IX of the Education Amendments of 1972 and to attain sex equity in their education agencies and institutions. These workshops are being carried out by nine organizations who are working with the Project as sponsors of the regional workshops.

Included in the notebook are both working tools designed for participants' use during the workshops and reference materials for future use. Participants are urged to use this notebook as a beginning for or addition to collections of resource materials related to Title IX and education equity.

The notebook is organized into four major sections:

- **Introductory Materials**

This section of the notebook provides summaries of the Title IX Equity Workshops Project and of the organization of the workshop and training model developed for the Project by the Resource Center on Sex Roles in Education.

- **Reference Materials**

The materials included in the second section of the notebook summarize the information and concepts provided in the three Generic Sessions of the workshops. They include information on:

- the legal and social/education contexts of Title IX
- the Title IX regulation and the procedural compliance requirements
- planning for change to implement Title IX and to attain sex equity in education

- **Generic Session Worksheets**

The worksheets to be used by participants in the three Generic Sessions of the workshops are collected in this section of the notebook.

- **Resources for Implementing Title IX and Attaining Sex Equity in Education**

The last section of the notebook contains a listing of resources which can assist educators in the implementation of Title IX and the attainment of sex equity in education.

Blank pages are included at the end of the notebook for participants' notes.

AN INTRODUCTION TO THE TITLE IX EQUITY WORKSHOPS PROJECT

The 20 regional workshops on "Implementing Title IX and Attaining Sex Equity" are one component of four components of the Title IX Equity Workshops Project of the Council of Chief State School Officers. These workshops, designed to assist educators in the implementation of Title IX and the provision of equity for females and males in education policies, programs, and practices, are being implemented with the assistance of 15 cooperating organizations.

An overview of the total project is provided below as a means of suggesting a context for the workshop activities.

Project Overview

The Council of Chief State School Officers was awarded an 18-month contract for "National Regional Dissemination Workshops and Development of Technical Assistance Materials for Title IX of the 1972 Education Amendments" by the U.S. Office of Education under funds authorized by the Women's Educational Equity Act. The purpose of this project is to design a training package which can be used at the local, State, regional, and national levels to facilitate Title IX compliance; and to implement, evaluate, and disseminate this training package through two national and 20 regional workshops.

The activities of the project are organized within four major components:

- *The development of a training package to disseminate technical assistance materials and to train key personnel to utilize these materials in implementing policies and programs to provide educational equity.*

This training package is designed to provide educational personnel with content and experiences which can assist them in developing:

- an understanding of sex discrimination and sex bias in education;
- an understanding of the requirements of Title IX and its implementing regulation;
- capability for the development and implementation of policies, programs, and management systems to ensure educational equity.

Two training packages have been developed: one for persons working in or with elementary-secondary schools and the other for persons working in or with institutions of post-secondary education. The packages are being utilized in 20 regional workshops: 11 for elementary-secondary personnel and nine for postsecondary education personnel. These workshops are distributed throughout the 10 HEW regions. The training package is designed for ultimate independent use by institutions and agencies at local, State, regional, and national levels.

- ***The implementation of two invitational national workshops for educational leaders at the elementary-secondary and postsecondary levels.***

The first national workshop was held in March 1977; it was designed to inform education leaders of the training strategy and to involve them in:

- assessment of the technical assistance needs of education institutions and agencies related to the attainment of sex equity and Title IX compliance;
- review and development of strategies for meeting identified technical assistance needs;
- identification of resources which can facilitate the implementation and further dissemination of the workshop package.

A second national workshop will be in early 1978 after the completion of the regional workshops. Participating education leaders will be involved in:

- review and evaluation of the workshop package and regional workshops;
- development and planning of strategies for continuing dissemination of the training packages;
- identification of continuing technical assistance needs and forecasting of future technical assistance needs related to sex equity in education.

- ***The implementation of 20 regional workshops for the dissemination of the training package.***

These regional workshops provide an opportunity for the field testing, evaluation, and dissemination of the training packages developed. The regional workshops are being planned and implemented by subcontractors in each of the HFW regions, under the supervision and training of the Regional Offices of Education. Eleven workshops are being conducted for elementary-secondary personnel; nine are being conducted for postsecondary personnel. The 20 regional workshops are scheduled between September 1977 and January 1978.

- ***The development and implementation of a comprehensive plan for the evaluation of the training strategy and training materials developed.***

Persons representing education constituencies at all levels will be involved in the evaluation of the training package and technical assistance materials to be developed and in the assessment of the effectiveness of the regional and national workshops. Both formative and summative evaluations are being conducted.

Among the evaluation techniques used are on-site workshop evaluation by both participants and outside evaluators, follow-up surveys to assess postworkshop dissemination and use of materials, and continuing evaluation and review by experts representing affected constituencies at all education levels.

The Resource Center on Sex Roles in Education has worked with the CCSSO Title IX Equity Workshops Project in the development and revision of the workshop materials. A National

Project Advisory Committee made up of representatives from 15 national education organizations and subject matter experts has provided guidance in the planning, implementation, and evaluation of the project.

Participant Materials

The funds available under the Women's Program Staff contract provided for the development of the training model and the implementation of the 20 regional workshops. As plans for the project progressed, the desirability of supporting the training model and the regional workshops with coordinated materials for participants became evident.

A proposal for the development of participant materials to support the training provided in the regional workshops was funded by the National Institute of Education. The participant materials are designed to provide a summary of the major concepts and information presented during the training and to assist participants in applying these concepts and information to their own education policies, programs, and practices.

“IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY IN EDUCATION” — AN INTRODUCTION TO THE WORKSHOP

The purpose of the regional workshops being implemented by the Council of Chief State School Officers' Title IX Equity Workshops Project is to provide technical assistance to education personnel and interested citizens in the implementation of Title IX and the provision of equity for females and males in education institutions and agencies.

The workshops are organized into a sequence of five three-hour sessions. Three of these sessions are known as Generic Sessions; they are designed to provide general information and experiences which are relevant to all participants. The other two sessions, known as Application Sessions, are designed to provide specialized information and experiences to persons from six different role groups who work in or with institutions of postsecondary education.

The sequence of the sessions is outlined below:

Generic Session One — Implementing Title IX and Attaining Sex Equity:
The Context of Title IX

Generic Session Two — Title IX: The Regulation and the Grievance Process

Application Session A — Application sessions are provided for:

- Administrators, Title IX coordinators, and members of boards of trustees
- Faculty
- Student services personnel
- Counselors
- Physical education and athletics staff
- Teacher education faculty

Application Session B — The application sessions continue; participants remain in their same role groups

Generic Session Three — Implementing Title IX and Attaining Sex Equity:
Planning for Change

The Generic Sessions focus on the following content:

- the legal and social/educational contexts of Title IX
- the Title IX regulatory requirements and related administrative interpretations and case law
- specific programs, methods, and techniques for ensuring nondiscrimination and sex equity in education policies, programs, and practices

Application Sessions provide participants with the opportunity to:

- increase their skills in the identification of sex discrimination as prohibited by Title IX
- identify the implications of Title IX for their own job functions and plan their own professional activities to ensure Title IX compliance and the achievement of sex equity in education
- consider actions which can be taken by their institutions and professional organizations to ensure Title IX compliance and the achievement of sex equity in their policies, programs, and practices

The reference materials included in this *Participant's Notebook* are designed to reflect the content of the three Generic Sessions; worksheets included in the *Notebook* are those used by participants in the Generic Sessions. The specific objectives of these sessions are listed below.

The objectives for *Generic Session One* include:

- to provide participants with an opportunity to assess their awareness of differential treatment of males and females in their institutions and the impact of Title IX on such differential treatment
- to provide participants with a review of the legal context of Title IX, an overview of Federal antidiscrimination laws, and the opportunity to assess their skills in identifying discrimination in postsecondary education
- to provide participants with a review of the social/educational context of Title IX, the participation of females and males in postsecondary education, and sources of sex discrimination and sex bias in postsecondary education.
- to encourage participants to identify characteristics of nonsexist education institutions

The objectives for *Generic Session Two* include:

- to review with participants these requirements of the regulation to implement Title IX of the Education Amendments of 1972 which are relevant to postsecondary education
- to provide participants an opportunity to assess their own understandings of Title IX requirements by sharing questions and answers with others

- to provide participants with an understanding of the significance of Title IX grievance procedures as a method for resolving complaints of sex discrimination and for monitoring Title IX compliance
- to provide participants with information regarding the structural components or characteristics of an effective grievance procedure and an opportunity to evaluate the structure of several sample grievance procedures
- to increase participants' understanding of and skills related to their own potential responsibilities for grievance problem solving
- to provide participants an opportunity to increase their skills in identifying Title IX violations and in formulating corrective or remedial actions appropriate to these violations through the analysis of sample Title IX grievances

The objectives for *Generic Session Three* include:

- to provide participants with an overview of some of the necessary conditions for change related to Title IX and sex equity in education and of the types of strategies available for planning and implementing change efforts in these areas
- to provide participants with a framework for diagnosing institutional/professional change needs related to Title IX and sex equity and for designing action strategies which would be appropriate for meeting these needs
- to provide participants with an opportunity to develop preliminary plans for change which could contribute to the full implementation of Title IX and achieving sex equity in their institutions and/or professional organizations
- to increase participants' skills in developing action programs related to Title IX and sex equity for implementation in their own professional functioning

Three major assumptions have guided the design of the workshop materials and processes. These assumptions are:

- ***Title IX is one part of a total education equity movement.***

Title IX is an evolutionary step in our nation's efforts to provide equity for all citizens. Our experience with years of attempting to eliminate race discrimination and bias in education provided the foundation for our understandings of sex discrimination and for the strategies and technology which may be used in its elimination.

Anyone working to attain education equity must remember the multiple ways that equity may be denied—on the basis of race, national origin, religion, cultural identity, sex, mental, emotional, or physical handicap, and social class—and work to ensure that the needs of all students are provided for.

- ***Our nation's concern for education equity is a reflection of changes in our society and it is a crucial step in preparing for a more enlightened future society.***

Our nation's concern for human and civil rights of various groups is rooted in the evolution of our society as it is affected by widespread social, economic, and technological

change. Schools have the responsibility for preparing all students to participate in and to deal with these changes. Failure to achieve education equity limits the potential attainments of our future society. Education equity is not just a moral goal; it is a survival goal for our democratic society.

- *The movement for education equity is an important vehicle for educational reform.*

Educators can be proud of the many accomplishments of our education system. Despite these accomplishments, however, the changing nature of our society demands that we move on to greater achievement. Efforts to attain education equity can contribute to implementation of many of the basic educational reforms which are needed. The greater preparation of students for the variety of life roles and the active involvement of students in learning how to learn—these reforms are possible within the context of education equity.

It is hoped that the workshop experiences and materials will assist participants in actualizing these assumptions and providing greater equity and higher quality education for all students.

REFERENCE MATERIALS

THE LEGAL CONTEXT OF TITLE IX: A SUMMARY OF FEDERAL LAWS PROHIBITING RACE AND SEX DISCRIMINATION IN INSTITUTIONS OF POSTSECONDARY EDUCATION

Title IX of the Education Amendments of 1972 is one of the most recent in a series of Federal laws designed to increase equality of opportunity in education institutions. Since the 1954 Supreme Court decision regarding *Brown v. The Board of Education*, Federal and State legislatures, the courts, our education systems, and the society at large have been involved in continuing efforts to identify and eliminate various forms of discrimination and to define better the nature of equal educational opportunity. Title IX is the result of our recent recognition of the fact that many education institutions discriminate against students and employees on the basis of sex. Earlier legislation was enacted to prohibit discrimination on the basis of race and national origin.¹ It is important for several reasons that Title IX compliance efforts be considered in the context of this earlier legislation:

- It is important that efforts toward the implementation of these other laws be maintained.
- These laws provide language and case law or legal precedent which influenced the Title IX legislation and its implementing regulation, and will continue to affect future judicial interpretation of Title IX.
- Familiarity with these other laws will enable educators to recognize when efforts and programs directed toward Title IX compliance may be used to address other forms of discrimination and when separate programs are required to address unique needs related to a particular form of discrimination.

Five Federal antidiscrimination laws and a Federal executive order comprise the major antidiscrimination requirements which are relevant to institutions of postsecondary education. These include:

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act prohibits discrimination against students on the ground of race, color, or national origin in programs receiving Federal funds. Title VI and related case law prohibit discrimination on the basis of race in student admissions, student access to courses and programs, and student policies and their application. Any institution or agency receiving Federal funds is covered by Title VI. Most education activities of a recipient agency or institution are covered, including activities or programs not in direct receipt of Federal funds. It was the language of Title VI which provided the model for Title IX.

¹More recent legislation prohibits discrimination against the handicapped. This legislation is an important antidiscrimination requirement for education institutions, but it will not be included in this summary.

Procedures for the filing of possible complaints of racial or ethnic discrimination are provided under the legislation. Such complaints should be filed with:

- **The Office for Civil Rights**
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20201

or

- **a regional Office for Civil Rights**
U.S. Department of Health, Education, and Welfare

Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972

Title VII of the Civil Rights Act prohibits discrimination in employment on the basis of race, color, religion, national origin, or sex. All institutions or agencies with 15 or more employees—including State and local governments and labor organizations—are covered under the amended Act. Title VII prohibits discriminatory practices in all terms and conditions of employment, including:

- recruitment, selection, assignment, transfer, layoff, discharge, and recall
- opportunities for promotion
- in-service training or development opportunities
- wages and salaries
- sick leave time and pay
- vacation time and pay
- overtime work and pay
- medical, hospital, life, and accident insurance
- retirement plans and benefits
- other staff benefits

A substantial body of case law and legal precedent has been developed under Title VII; this provides many of our currently accepted standards for nondiscrimination in employment. Many of the provisions in the employment section of Title IX regulation are based on Title VII.

Complaints of employment practices which discriminate in violation of Title VII should be made to:

- **The Equal Employment Opportunity Commission**
2401 E Street, N.W.
Washington, D.C. 20037

or

- **a regional Office of the EEOC**

In instances where State or local fair employment practices laws provide procedures for the handling of complaints of discrimination, the complaint may be referred to the State or local agency for a 60-day period of time. If the complaint is not resolved at this level, the EEOC assumes responsibility for investigation and conciliation. If this fails, the EEOC, the U.S. Attorney General, or the complainant may file suit.

The Equal Pay Act of 1963 as amended by the Education Amendments of 1972

The Equal Pay Act prohibits sex discrimination in salaries and most fringe benefits. All employees of education institutions and agencies, including those in professional, executive, and administrative positions, are covered by the Equal Pay Act.

The Act provides that a man and a woman working for the same employer under similar conditions in jobs requiring substantially equivalent skills, effort, and responsibility must be paid equally even when job titles and assignments are not identical. Interpretations of the Equal Pay Act will influence interpretation of such issues under Title IX, whose regulation contains language similar to that employed in the EPA.

Employers are required to maintain specified records relevant to the determination of possible violations of the law. Complaints may be filed with:

- **Employment Standards Administration
Wage and Hour Division
U.S. Department of Labor
Washington, D.C. 20210**

or

- **a regional Office of the U.S. Department of Labor**

The complaint process provided under the EPA is the simplest and most direct of all those mentioned in this review.

Title IX of the 1972 Education Amendments

Title IX prohibits discrimination on the basis of sex against students and employees of education programs and activities receiving Federal funds. The Title IX regulation prohibits sex discrimination in such areas as:

- admissions to vocational, graduate, professional, and public undergraduate schools
- student access to courses and programs
- counseling and guidance—tests, materials, and practices
- physical education and athletics
- vocational education programs
- student rules and policies
- treatment of married and/or pregnant students

- financial assistance
- student housing
- extracurricular activities
- employment in education institutions

The regulation covering Title IX requires education agencies and institutions to develop grievance procedures for the local handling of complaints of discrimination. This procedure may be used or complaints may be filed directly with:

- **The Office for Civil Rights**
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20201

or

- **a regional Office for Civil Rights**
U.S. Department of Health, Education, and Welfare

Title VII (Section 799A) and Title VIII (Section 845) of the Public Health Service Act as amended by the Comprehensive Health Manpower Training Act and the Nurse Training Amendments Act of 1971

Titles VII and VIII of the Public Health Service Act state that institutions receiving Federal funds for their health personnel training programs may not discriminate on the basis of sex in admissions or in employment practices relating to employees working directly with applicants or students. Every institution receiving or benefiting from a grant, loan guarantee, or interest subsidy to its health personnel training programs or receiving a contract under Titles VII or VIII is covered.

Institutions are required to maintain specified records to determine whether violations have occurred. Periodic reviews of programs receiving Federal funds may be made to determine compliance with the regulation covering Titles VII and VIII.

Procedures are provided for the filing of complaints of violations of Titles VII and VIII. Complaints should be filed with:

- **The Office for Civil Rights**
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20201

or

- **a regional Office for Civil Rights**
U.S. Department of HEW

Executive Order 11246 as amended by 11375

Executive Order 11246 prohibits employment discrimination on the basis of race, color, religion, national origin, or sex in institutions or agencies with Federal contracts of over \$10,000.

Relevant contracts include both contracts for direct services and "grants" which involve a benefit to the Federal government. Institutions or agencies covered under the Executive Order must observe nondiscriminatory practices in hiring, discharge, promotion, wages, benefits, training, and all other conditions of employment.

Those institutions or agencies with Federal contracts of \$50,000 or more and 50 or more employees are required to develop written affirmative action plans with numerical goals and timetables. Although the contract may involve only one unit within the institution, the affirmative action plan must cover all employees throughout the institution.

Enforcement of the Executive Order and related policy guidelines is the responsibility of the Office of Federal Contract Compliance (OFCC) of the U.S. Department of Labor. The OFCC has designated HEW as the agency responsible for enforcement of the Order as it affects education institutions and agencies. Complaint procedures are provided for the filing of charges of possible discrimination and noncompliance. Complaints should be filed with:

- The Office for Civil Rights
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20201

or

- a regional Office for Civil Rights
U.S. Department of HEW

THE SOCIAL/EDUCATIONAL CONTEXT OF TITLE IX: SEX DISCRIMINATION AND SEX BIAS IN POSTSECONDARY EDUCATION

In order to understand the significance of Title IX of the Education Amendments of 1972 and of recent efforts to attain sex equity in postsecondary education, it is useful to consider some of the research regarding sex discrimination and sex bias in postsecondary education. The design and implementation of programs which comply not only with the letter of Title IX requirements but also with their spirit is facilitated by a knowledge of the ways in which sex bias and discrimination actually operate in institutions of postsecondary education.

The next few pages will summarize some of the major research regarding the participation of females and males both as students and employees in postsecondary education. They will be organized in the following sections:

- **Women as Students in Postsecondary Education**

- The Participation of Females and Males in Postsecondary Education
- Psychological and Social Variables Affecting Women's Participation in Postsecondary Education
- Institutional Barriers to Women's Participation in Postsecondary Education

- **Women as Employees in Postsecondary Education**

- Women as Faculty Members
- Women as Administrators

In considering the data presented, it is important to keep in mind the somewhat paradoxical demands placed on education in our rapidly changing society. First, education is expected to *conserve* and to maintain social stability by transmitting to students the knowledge, skills, and experience of the past. Second, it is expected to *anticipate* social evolution and to provide the present generation of students the knowledge and skills which will be needed by the individuals and the society of the future. Education institutions have generally been more effective in transmitting the experiences of the past and in contributing to social continuity than in anticipating the needs of students and society in the future. In so doing, they have functioned to perpetuate existing inequities and discrimination. Education institutions have often sorted and stratified students on the basis of race, ethnicity, social class, and sex according to the assumptions and values of the past rather than the actualities of the present or the needs of the future.

Postsecondary education institutions have largely functioned to contribute to the societal sorting of females and males on the basis of sex. They have reflected the assumption that education and employment are of primary importance in the lives of males, but secondary to the importance of family for females. This assumption, and the programs which it has shaped, are no longer consistent with the needs of our society. Given the increasing numbers of women entering the paid work force, heading families, and seeking education, postsecondary institutions, like other institutions in our society, must reevaluate their programs and modify them as necessary to accommodate these realities.

It is important to acknowledge that sex discrimination and sex bias do not originate in institutions of postsecondary education. By the time students are of an age to consider entering vocational/technical schools or pursuing undergraduate or graduate studies at a college or university, they have experienced sex stereotyping, sex bias, and sex discrimination in their families, in their peer groups, in their communities, in the media, and in elementary and secondary schools. It is also important, however, to recognize that postsecondary education institutions can function either to reinforce and to perpetuate past stereotyping, bias, and discrimination, or to discourage it and to encourage all students regardless of sex, racial-ethnic background, or social class to participate in postsecondary education according to their own individual interests, abilities, needs, and values.

The research summarized in the following pages documents the ways in which postsecondary institutions have perpetuated sex discrimination, sex bias, and sex stereotypes which are not consistent with the present and future needs of students of both sexes. It should also suggest goals for the modification of education programs so that they may better meet the present and future needs of both females and males and comply with the letter and spirit of Title IX.

Women as Students in Postsecondary Education

The Participation of Females and Males in Postsecondary Education

In the United States, women are more apt than men to complete secondary school--in 1975, 1,594,270 women and 1,538,753 men graduated from high school.¹ Women, however, are less likely than men to continue their educations beyond the secondary school level. Women's enrollment in education programs decreases relative to men's as the educational levels of the programs increase. This is true both in postsecondary vocational/technical programs and in baccalaureate and graduate programs. In both types of programs, those women who do continue in more advanced programs are usually enrolled in traditionally "female" areas of study.

Women in postsecondary vocational/technical programs

The most recent national data regarding female and male participation in vocational education programs (data for Fiscal Year 1975) do not distinguish between secondary and postsecondary programs. These data do, however, present a general picture of sex stereotyping in vocational education program enrollments, which suggests the patterns which seem to be characteristic of postsecondary vocational education programs. These data indicate that although females are 48.3 percent of all vocational education students, they are heavily concentrated in four program areas: consumer and homemaking (82 percent of the enrollment is female); occupational home economics (73 percent female); health (72 percent female); and office occupations (69 percent female). In contrast, females are only 12.6 percent of all students in trades and industry; 10.7 percent of all students in technical programs; and 9.2 percent of all students in agriculture. The only area in which females and males are enrolled in proportions which approach their representation in the total vocational education enrollment is distribution, which has an enrollment which is 42.8

percent female.² A comparison of these enrollment figures with those of 1972 indicates that there has been some tendency for both female and male students to move into those program areas which have traditionally been dominated by students of the opposite sex. It is important to note that this trend has been much more pronounced for males than for females; males are enrolling in traditional "female" areas at a more rapid rate than females are in traditional "male" areas.³

Data regarding the degrees awarded to females and males in postsecondary occupational programs of one to four years in length reflect similar patterns of sex stereotyping. Women predominate in the shorter duration programs and in those programs which provide preparation for traditional "women's" occupations. In 1974-75, women were 56.7 percent of all students receiving degrees in 1-2 year programs, but only 47.8 percent of students receiving degrees in 3-4 year programs. Further, women were the majority of the degree recipients in only two of the six major programs: health services technologies (women were 87.4 percent of all degree recipients) and business and commerce (women received 56.9 percent of all degrees awarded). Women received only 39.3 percent of all degrees awarded for public service related technologies; 36.1 percent of those awarded for data processing technologies; 29.9 percent of those awarded for natural sciences technologies; and 2.4 percent of those awarded for mechanical and engineering technologies.⁴

Women in baccalaureate and graduate programs

Although women constituted 50.9 percent of all students graduating from high school in 1975, they were only 45.4 percent of all students enrolled in undergraduate degree programs in institutions of higher education in fall, 1975. They were only 44.5 percent of all students enrolled in graduate programs, and 20.7 percent of all students enrolled in programs leading to the receipt of the first-professional degree (law, medicine, etc.).⁵

Data regarding the advanced degrees awarded to women and men similarly document the decreasing representation of women at progressive levels of higher education. In 1974, women earned 45.4 percent of all bachelor's degrees; 44.8 of all master's degrees; 21.3 percent of all doctoral degrees; and 12.6 percent of all first-professional degrees. Although a comparison of these percentages with those of 1969 indicates that the percentages of women receiving degrees at all levels have increased, it is important to note that even the high rates of increase in the proportions of women receiving doctoral and first-professional degrees did not bring women into anything approaching parity with men. Although the percentage of women awarded first-professional degrees has increased by 268 percent between 1969-70 and 1974-75, women nonetheless received only 7,029 first-professional degrees, while men received 49,230. At the doctoral level, women received only 7,267 degrees, as compared to men's 26,819.⁶

Analyses of these data according to the fields in which the degrees were awarded reveal further patterns of stereotyping. Although the percentages of women awarded degrees in several traditionally "male" fields has increased notably between 1964-65 and 1974-75, widespread stereotyping in the major fields of study is still apparent. For example, the percentage of women receiving bachelor's degrees in computer and information science has risen from 4.6 in 1964-65 to 18.9 in 1974-75, while the percentage of women receiving bachelor's degrees in architecture has risen from 4.6 to 17.4 over this same period.⁷ Despite the existence of such notable increases in particular fields at each degree level, a review of the degrees awarded in each of the major fields of study at each degree level in 1974-75 indicates that stereotyping is still conspicuous. At the bachelor's level, women received over 50 percent of all degrees awarded in nine of the twenty-four fields: area studies, education, fine and applied arts, foreign languages, health professions, home economics, letters, library science, and psychology. At the master's level, women received

over 50 percent of the degrees awarded in only six of the twenty-four fields: education, foreign languages, health professions, home economics, letters, and library science. At the doctoral level, women were awarded over 50 percent of the degrees in only one area: home economics.⁸

In addition to such differences in the distribution of female and male students within various program levels and fields of study, there seem to be differences in the distribution of females and males within various types of education institutions. Recent research suggests that females enrolled in higher education programs tend to be enrolled at smaller, less selective, and less affluent institutions than male students.⁹ Several studies also indicate that the drop-out or attrition rates of women in higher education programs are higher than those of men.¹⁰

In short, despite some recent progress, differences still remain in the participation of females and males in postsecondary education. Women are underrepresented in postsecondary education in general and the degree of their underrepresentation increases with progressive educational level. Women are disproportionately concentrated in a restricted number of "female" fields, and disproportionately concentrated in less selective and less affluent institutions.

If postsecondary education institutions are to provide programs which meet the needs of both females and males and which comply with Federal requirements for nondiscrimination on the basis of sex, it is important that the possible reasons for these sex-differentiated patterns of participation in postsecondary education be identified and their implications for the operation of postsecondary education institutions considered. A review of the literature in this area suggests that it is useful to examine two categories of factors: those which operate outside the structures and procedures of postsecondary education institutions—the psychological and social factors which may influence women's participation in postsecondary education—and those which relate to the structures and procedures of postsecondary education institutions themselves—the policies and practices of postsecondary education institutions which may act as barriers to women's participation. Each of these categories of factors will be discussed briefly below.

In reviewing the information presented, it is important to keep in mind three qualifications. First, the research findings in many of these areas (particularly those related to psychological and social factors) are complex. The conclusions of researchers and disagreements among them often hinge upon subtle distinctions and analyses which are beyond the scope of this review. The information summarized below will present major generalizations in each of the areas discussed, generalizations which reflect the major trends in the data but may not delineate all of the finer issues or points of disagreement. Persons interested in a more complete review should examine the report *Barriers to Women's Participation in Postsecondary Education*, written by Esther Westervelt and published by the National Center for Education Statistics¹¹ (an annotated citation is provided in the *Resources* section of this notebook). Second, although the information is presented in two categories to facilitate its consideration, the factors delineated under each category are in fact interactive, and consideration of both categories is basic to an adequate understanding of the operation of either. The policies and practices of postsecondary education institutions and the sex-differentiated patterns of social and economic participation to which they have contributed constitute one of the socializing influences which may function to produce some of the psychological and social factors identified. Third, because research regarding women's participation in postsecondary education outside of higher education is sparse, most of the research cited here is pertinent to higher education. It is likely, however, that correlates to many of the institutional practices discussed may be identified in other postsecondary education programs.

Psychological and Social Variables Affecting Women's Participation in Postsecondary Education

Attempts to delineate the kinds of factors external to the operation of postsecondary education institutions which affect women's participation in these institutions have generally focused

on two types of variables: psychological variables—possible sex-linked patterns in intellectual development and ability, motivation, self-concept, personality, or social behavior which may influence women's participation in postsecondary education—and social variables—demographic variables such as race, socioeconomic status, or marital and family status which may affect such participation.

Most analyses of the psychological factors which may affect women's participation in postsecondary education focus on four primary issues: intellectual abilities, aspiration levels, motivation to achieve, and role conflict.

Intellectual abilities

One of the most obvious possible explanations for sex-differentiated patterns in participation in postsecondary education is that there are sex differences in basic intellectual abilities. Maccoby and Jacklin, in their review of the literature regarding basic psychological sex differences, conclude, however, that although some sex differences in intellectual ability exist, they are not of an order sufficient to explain the extent or degree of difference in education participation and achievement by females and males. Maccoby and Jacklin found that:

- males exceed females in mathematical ability, particularly in the ability of spatial-visualization (the ability to rotate mentally objects in space, which is fundamental to several areas of mathematical performance)
- females exceed males in verbal ability
- there is no difference between the sexes in basic cognitive processes (females and males are equally proficient at both simple and high-level learning and analytical tasks)¹²

Although these findings may be generally consistent with the enrollment patterns of females and males in such major fields as mathematics, letters, and foreign languages at the undergraduate level, they are clearly not adequate to explain women's decreasing participation at progressive levels of education and their increasing concentration in a few traditional fields of study at these progressive levels. Further, it is important to remember that the existence of these sex differences does not mean that these differences are innate or biologically determined. It is equally likely that these differences may arise from an interaction of sex-differentiated socialization and education experiences with some form of sex-linked predisposition. If this is the case, these sex differences may be both a "cause" of sex differences in educational participation and a result of early sex differentiation in educational experiences.

Finally, it is also important to note that sex differences in educational participation exist when basic ability levels are held constant. Research indicates that when the population of high-ability students who do not go on to college is examined, between 70-90 percent of these students are female.¹³

Aspiration levels

Numerous studies have documented the fact that females hold lower educational aspirations than do males.¹⁴ Despite the fact that recent years have seen increasing percentages of females receiving degrees at all educational levels, data presented in *The American Freshman: National Norms for Fall 1974* indicate that the educational aspirations of females still lag behind males'. Although one-half of the women, as opposed to one-third of the men, had an average grade of B+ or better in high school, women were still more likely than men to say that they contem-

plated leaving school before obtaining a bachelor's degree (15 percent of the women made such a statement, as contrasted to 10 percent of the men) and less likely than men to say that they expected to study for a graduate or professional degree (55 percent of the men anticipated such study, while only 46 percent of the women had such expectations).¹⁵ Given the the existence of such sex differences in educational aspirations, differences which cannot be explained by differences in prior academic success, the question then becomes why such differences exist. One of the answers often suggested concerns achievement motivation.

Motivation to Achieve

Research regarding achievement motivation in women has been the source of considerable discussion in recent years. Much of this discussion has been stimulated by the research of Matina Horner, which suggested that women, particularly high-ability, high-achievement oriented women, possess a motive to avoid success (defined in most of the experimental situations as academic success) which is elicited in mixed-sex competitive situations.¹⁶ If such a motive does exist, it may indeed influence women's participation in postsecondary education, but Horner's research and interpretation have been subjected to question by other investigators. These investigators make two primary points. First, the motive to avoid success has not been demonstrated to predict just such achievement-related behavior as applying to graduate school or professional school.¹⁷ Second, the motivational constructs on which the research was based were developed on the basis of male achievement behavior and thus may say very little about achievement motivation in women other than that it seems to differ in some fashion from achievement motivation in men.¹⁸

For example, Lipman-Blumen has suggested that achievement motivation in women is most accurately conceived of as taking one of two dominant patterns: the direct pattern (most analogous to the traditional male pattern) in which women are motivated to achieve through their own personal behavior in education or career situations, and the vicarious pattern in which women satisfy their own achievement motives by supporting the educational or career achievement of others, usually their husbands or children.¹⁹ According to this formulation, women motivated to achieve directly would be more inclined to pursue postsecondary education than those who might achieve vicariously by supporting their husbands' participation.

Role conflict

The concept of role conflict may prove to be a useful one in understanding possible influences on women's participation in postsecondary education. It may suggest some of the reasons for women's lower educational aspirations than males, in the face of comparable intellectual ability, and it may serve to explain why women in some situations may seem to display a motive to avoid success, at least when success is defined in terms of direct academic or career achievement.

Simply put, role conflict is essentially the apparent conflict perceived by many women (and men) between the ideal feminine role and the role of academic or career achiever. A study by Broverman *et al.* indicated that both male and female mental health professionals described differently the characteristics of a healthy male and a healthy female, with a healthy female being more submissive, less independent, less adventurous, less aggressive, less competitive, more easily influenced, more excitable, more emotional, more conceited about appearance, less objective, and more inclined to dislike math and science than a healthy male. Further, the characteristics of a healthy female were described as different from those of a healthy adult, as the characteristics of a healthy adult were similar in almost every respect to those of a healthy male.²⁰ The characteristics attributed to the healthy female by subjects in this study are not those which are characteristic of most persons who achieve academic and career success in our society, success which

is usually defined in terms of male achievements. Persons who hold such views of the healthy female may thus be inclined to perceive conflict between the feminine role and participation in higher education programs.

In support of such a role-conflict notion, Matthews and Tiedeman found that the three most important influences on a woman's patterns of educational participation, aspiration, and achievement during adolescence and early adulthood were: perception of male response to the use of her intelligence, conflict over the acceptance of male dominance in occupational pursuits and the "place" of women in the home, and the perception of conflict between the demands of family and work on the married career woman.²¹ Other researchers, studying the mature woman and her pursuit of education, found a positive relationship between a woman's level of involvement in education and her evaluation of educational activities as being appropriate to her self and her role.²²

Research in this area is not definitive, however. At least one study found no differences between career-oriented women and noncareer-oriented women in their perceptions of feminine roles,²³ and there appears to be a wide range of variation among women regarding the extent to which they conceive of themselves and their roles according to stereotypical "feminine" attributes and the extent to which their conceptions of self are reflected in educational aspirations and attainment.²⁴

In short, although research similar to that cited above suggests a number of promising areas for further investigation regarding the influences of psychological factors on the participation of women in postsecondary education, research in these areas to date cannot offer adequate explanations regarding sex-differentiated patterns of educational participation. As Westervelt concluded,

*"...there is as yet no generally accepted, organized body of knowledge about the psychology of women from which we might draw tenable generalizations about fundamental psychological factors associated with the various educational choices women make."*²⁵

In efforts to determine influences on women's participation in postsecondary education, researchers have also examined a number of social factors which may affect this participation. The factors which seem to be significant in influencing women's educational participation include race, socioeconomic status, and marital and family status.

Race

Any consideration of the impact of race or ethnicity on women's participation in postsecondary education must begin with the acknowledgment that all racial-ethnic minority groups are underrepresented in higher education in proportion to their representation in the population as a whole.²⁶ Beyond this general underrepresentation, the representation of minority persons in higher education, and minority females in particular, varies among particular racial-ethnic groups. Research findings in this area must be examined with some care, as there are many different ways of presenting and analyzing the data.

One recent study, the American Council on Education's report on *Bachelor's Degrees Awarded to Minority Students, 1973-74*, concluded that:

- Among all minority bachelor's degree recipients, 53 percent were female and 47 percent were male.
- The minority group with the lowest proportion of women recipients was Native Americans; women received 37 percent of all bachelor's degrees awarded to Native Americans.

- The minority group with the highest proportion of women recipients was Black Americans; women received 57 percent of all bachelor's degrees awarded to Black Americans. (This percentage is substantially higher than that for the percent of all women awarded bachelor's degrees in 1973-74; this figure was 44 percent.)
- The percentages of Asian-American and Hispanic women receiving bachelor's degrees awarded to members of their racial-ethnic group paralleled the national figures on the percentages of bachelor's degrees awarded to all women students—all three groups of women earned approximately 45 percent of the bachelor's degrees awarded in the various groups.²⁸

These figures are generally consistent with the common perception that Black women are proportionately overrepresented relative to both Black males and white females in higher education programs.

Another analysis of the participation of both Black and white females and males in higher education suggests a slightly different picture, however. When researchers compared the percentages of high school graduates of each group who continued in college between 1969-73, the following figures emerged:

- among white men, 40.2 percent of high school graduates attended college
- among Black men, 33.3 percent of high school graduates attended college
- among white women, 32.0 percent of high school graduates attended college
- among Black women, 26.0 percent of high school graduates attended college²⁹

When the population of high school graduates is considered as the base for determining underrepresentation in higher education, Black women appear to face a double bind of denial based on race and sex.

According to data compiled by the Office for Civil Rights, when females were considered as a percentage of the various categories of minority enrollments in undergraduate, professional, and graduate programs in Fall, 1974 they were:

- 47.3 percent of all minorities enrolled
- 43.7 percent of all Native Americans enrolled
- 50.3 percent of all Black Americans enrolled
- 41.7 percent of all Asian Americans enrolled
- 41.0 percent of all Hispanic Americans enrolled

In all racial-ethnic groups, as the educational level of the program increases the percent of females enrolled decreases. As the educational level increases Black women, although decreasing in proportion to Black men, continue to exceed other groups in proportional participation.³⁰

While reviewing these general statistical profiles, it may be useful to consider briefly what is known about possible racial-ethnic differences on the psychological variables identified earlier.

Most of the research which exists on minority women focuses only on Black women, and the research which does exist frequently documents contradictory results. For example, two different studies on levels of educational aspirations in Black youth reach two different conclusions: one concludes that Black females have higher aspirations than Black males,³¹ while the other concludes the converse.³² While one study suggests that Black college women hold the same types of traditional female career goals as white women,³³ another indicates that Black women, unlike many white women, tend to see working, rearing children, and fulfilling a career role as compatible.³⁴ Although many of the particular interactions of racial-ethnic and psychological variables have yet to be fully understood, it is important to remember that historic differences among various groups of women have led to significant contemporary differences which may affect their participation in postsecondary education.

Socioeconomic status

Socioeconomic status appears to affect females and males differently in relation to their participation in postsecondary education. Numerous studies have concluded that low socioeconomic status has a much more negative effect on the participation of females in postsecondary education than on the participation of males. They find that:

- Given the highly able students from low socioeconomic status, one female and one male, it is the male who is most likely to complete postsecondary training.³⁵
- In families of lower socioeconomic status, sons are more likely than daughters to aspire to and to attend college.³⁶
- Of students from the top ability quartile and the lowest socioeconomic quartile, 25 percent of the males and 40 percent of the females fail to enter college.³⁷
- Socioeconomic status is a more significant factor than intelligence in college plans, attendance, and graduation by women; the converse is true for men.³⁸
- Women from low socioeconomic status with low grades are less likely to attend college than women with low grades from high socioeconomic status or boys with low grades from either background.³⁹

In short, research appears conclusive that females from lower socioeconomic strata in our society are the persons who are least likely to participate in postsecondary education.

Marital and family status

Like socioeconomic status, marital and family status appear to differentially affect participation by females and males in postsecondary education. Most research indicates that a woman's family responsibilities impose a constraint on her educational pursuits in a way which is not true for males. A review of research findings reveals that:

- Planning to marry while in college negatively affects women's degree aspirations.⁴⁰
- In a nationwide sample of graduate students, married men appeared to be quite productive and the best adjusted of all graduate students. The most committed and active graduate students appeared to be divorced women. The investigator concluded that divorce becomes a force for liberation for women by removing a source of severe role conflict; for males, divorce becomes a source of strain because it removes from their lives a supportive relationship.⁴¹

- Participation rates in adult education were lower for mothers than for nonmothers but higher for fathers than for nonfathers.⁴² The presence of children in a family may serve to motivate men to pursue further education while imposing upon women responsibilities and time demands which interfere with educational activities.

All of these social factors—race, socioeconomic status, and marital and family status—interact with one another and with the psychological variables identified earlier to influence women's participation in postsecondary education. While some of these factors may operate largely outside the control of postsecondary education institutions, many may be modified by or affected by modifications in the policies or practices of postsecondary education institutions. These will be the focus of the following section.

Institutional Barriers to Women's Participation in Postsecondary Education

There is little doubt that there are a variety of psychological and social factors which influence females' participation in postsecondary education, however imperfectly understood these factors and their interaction are at this time. Similarly, there is little doubt that postsecondary institutions, through many of their policies and practices, have functioned to deny or to discourage women's participation. Research suggests that many institutions of postsecondary education have maintained policies or practices which, on their face, discriminate against females. Still other policies or practices, although sex-neutral on their face, interact with the types of psychological and social factors previously identified to discourage women's entry and continuance in postsecondary education programs. Freeman has described this interaction in this way:

"An academic situation which neither encourages nor discourages students of either sex is inherently discriminatory against women because it fails to take into account the differentiating external environment from which women and men students come."⁴³

A review of existing data indicates that the institutional factors which may discriminate against women or discourage their participation in postsecondary education are of four primary types:

- institutional policies and practices related to student participation (admissions, financial aid, etc.)
- student programs or services or the lack thereof (counseling, health services, etc.)
- the structure and content of curriculum, research, and the academic disciplines
- the status of women in postsecondary education employment and the attitudes of faculty toward women students

Each of these types of barriers will be discussed briefly below.

Institutional policies and practices related to student participation

The policies and practices of postsecondary education institutions regarding student participation in their programs—policies and practices related to admissions, financial aid, student residency, time limits for enrollment and degree completion, etc.—often directly discriminate against or function to discourage the participation of women students. Some of the research regarding the operation of these various areas of policy or practice as they may function to discriminate against or to discourage women is summarized in the following paragraphs.

Admissions policies or practices—Many of the traditional admissions policies of institutions of higher education have explicitly discriminated against women applicants. Such policies include the establishment of different admissions criteria for women and men, the use of "equal rejection rates" under which females and males are sorted into separate categories so that equal portions of each group may be accepted, or the maintenance of sex-based quotas or ideal male/female ratios which govern admissions. Because women as a group make better grades than do men at both high school and college levels, the use of quotas or equal rejection rates virtually ensures that the women admitted will be more qualified than the men and, in fact, that some of the women who may not be admitted are more qualified than some of the men who are.⁴⁴

Such sexually discriminatory admissions policies may partially account for the already-mentioned fact that within the freshman class of 1974, almost one-half of the women and only one-third of the men had high school grade averages of B+ or better. Studies have similarly shown that female freshmen are more likely than males to have been high achievers in all types of extra-curricular activities except science and athletics,⁴⁵ and that 68 percent of the women admitted to graduate schools had undergraduate averages of B or better, as opposed to only 54 percent of the men admitted.⁴⁶ (In evaluating the extent to which discriminatory admissions policies contribute to such patterns, it should also be remembered that women at every educational level have lower aspirations than do men, and that they are therefore more likely to select themselves out of continued education. It is probable that such self-selection also contributes to the patterns documented.)

Although no national data exist regarding female and male ratios of applications and acceptances to postsecondary education, at least one multi-institutional study has attempted to assess the weight of sex (and race) in the college admissions process. Walster, Cleary, and Clifford submitted admission applications which were identical except for variations in race, sex, and ability level to 240 randomly selected institutions. Their results indicated that males were markedly preferred over females at low ability levels (with Black females the last preferred of any race-sex group at this level), but that this difference disappeared at medium and high ability levels.⁴⁷ Two studies which examined sex differences in application/admissions ratios in particular institutions found that in one large state university 50 percent of male applicants were accepted as opposed to only 25 percent of female applicants;⁴⁸ in another, a male applicant was found to have a five times greater chance of admission than a female.⁴⁹ (Given the fact that female applicants tend to be more highly qualified than males, these figures are particularly striking.)

In addition to such directly discriminatory policies as the maintenance of quotas or ratios for female/male acceptances there are a number of institutional policies which may function indirectly to discriminate against women. Because women are more likely than men to delay higher education, policies which place an age ceiling on students admitted are more likely to deny admission to women than to men.⁵⁰ The refusal of institutions to accept transfer credits is also likely to negatively affect women who, more often than men, change geographic location in order to accommodate the education or career changes of their spouse.⁵¹ Just as the refusal of institutions to accept part-time students functions to discriminate against women who, more often than men, must assume responsibility for child care.⁵²

Financial aid practices—Research indicates that at both the national and institutional levels women are less likely than men to receive financial assistance in the form of scholarships, fellowships, and loans.⁵³

- A national survey of 3,363 college sophomores found that in 1967, the average award of financial assistance to men was \$1,001, while the average award to women was only \$786. Student employment awarded as part of institutional financial aid packages paid men an average of \$712 and women an average of \$401.⁵⁴

- According to 1970 testimony in Congressional hearings on discrimination against women, in 1969, women comprised 33 percent of the nation's graduate students but received only 28 percent of the graduate awards under NDEA, Title IV, and 29 percent under NDEA, Title VI.⁵⁵ One report on women and graduate study indicated that only one-quarter of the females enrolled in graduate study received stipends, as compared to almost one-half of the men.⁵⁶
- Sex-restricted scholarships frequently limit the access of qualified women to financial aid. In one large and prestigious university, only 15 percent of all sex-restricted funds available in 1969 were restricted to women.⁵⁷
- Women in college work-study programs generally work in lower-paying jobs than men and receive less help from faculty in finding jobs relevant to their studies. In one institution, 30 percent of the women and 36 percent of the men received assistance from faculty members in locating their jobs, and 64 percent of the men and only 49 percent of the women found jobs relevant to their major fields.⁵⁸

There are also indications that women are discriminated against by financial aid practices which pertain to their marital and/or family status.

- In some institutions married women are routinely denied financial aid or awarded financial aid only after all married men or unmarried students.⁵⁹
- Despite the fact that child care expenses are significant for many women students, many financial assistance application forms provide no opportunity to list such expenses as costs incurred in pursuing education.⁶⁰ (Although this policy affects both females and males, its impact on females is likely to be more severe because females typically receive smaller and fewer awards and are more likely than males to be responsible for children in case of separation or divorce.)
- In many institutions, financial aid is made available only to full-time students. (Again, although this policy formally applies to both females and males, it is females who are more likely to attend school part-time to accommodate family responsibilities.)
- Women who marry out-of-state residents may lose their eligibility for in-state tuition rates. Loss of such eligibility may drastically alter the costs incurred by women students. (In most cases, such policies are applied only to females.)

Other policies and regulations—Participation by married women in education programs is often discouraged by a variety of restrictive regulations established by postsecondary institutions. Time limits on eligibility for the receipt of degrees or diplomas may reduce the possibility of part-time study which is necessitated by the family responsibilities of many married women. Inflexible requirements related to housing (e.g., requiring all students to live in dormitories) or to course requirements (e.g., requiring all students to take physical education) may similarly deter participation by mature women.

It is important to recognize that such policies and regulations function not only to limit the participation of women in higher education but also the participation of many mature or nontraditional male students whose capacity for full-time study may be restricted by family or financial factors. Given the current organization of our society, however, such barriers tend to have a disproportionately negative impact on females.

Student programs or services (or the lack thereof)

Women's participation in postsecondary education may be either facilitated or discouraged by the nature of programs provided in postsecondary education institutions. In some cases, women's participation may be discouraged by the direction of existing programs, in others by the lack of relevant programs.

Counseling programs and services—In many postsecondary institutions the counseling services provided reflect and perpetuate sex discrimination and sex stereotyping against women students. For example:

- Petrofesa and Schlossberg conducted a study of the recommendations made by 30 student counselors in a graduate counseling program when interviewing an upper-division undergraduate subject with high mathematical ability who had been coached to manifest indecision as to whether she should major in mathematics or elementary education. Eighty percent of both female and male counselors counseled the student to major in elementary education.⁶¹
- Many of the interest inventories in use on many campuses have been shown to be sex-biased. Birk has documented the existence of sex bias in the manuals of four interest inventories commonly used at the postsecondary level,⁶² while Tittle has pointed out that the empirical construction of the tests functions to ensure the maintenance of current sex-stereotyped occupational patterns.⁶³
- Sex bias is reflected in many of the counseling materials used with postsecondary students. Reviewers of the 1974-75 edition of the *Occupational Outlook Handbook* concluded that women were underrepresented in the *Handbook* in proportion to their actual representation in the labor force and that the women depicted tended to be shown in passive postures, assisting males, and predominating in only one occupation—clerical work.⁶⁴

Because the body of counseling theory which shapes counseling and counseling tests and materials at this time has been developed largely on the basis of male career and achievement patterns, it is questionable whether most traditional counseling programs or services provided to women are in fact relevant to their needs and development.⁶⁵

Health Services—Health services frequently discriminate against women students by failing to make available any gynecological services. According to 1972 figures of the National Student Association, 53 percent of all college and university health services did not provide gynecological care, and 72 percent did not provide birth control services.⁶⁶ The cost of obtaining such services can be a significant one for females, and the refusal of postsecondary education institutions to provide such services may function as a concrete indication to female students that education institutions are unsympathetic to their basic needs.

Athletic programs—Vast differences between the athletic opportunities available for men and those available for women are conspicuous on most college and university campuses. Although significant change has occurred on a number of campuses in recent years (for example, the women's athletic budget at the University of California at Berkeley in the fall of 1977 was almost 90 times that it was five years ago, while the women's athletic budget at UCLA has almost tripled in the past three years),⁶⁷ much progress remains to be made. A recent estimate of athletic budgets at the "Big Ten" universities indicated that women's athletic budgets at these school ranges from a low of 3.47 percent of the men's budget to a high of 11.11 percent.⁶⁸

Other programs and services—Several surveys of women students regarding the major factors which discourage their educational participation indicate that one critical factor is the absence of child care services on most campuses.⁶⁹ The lack of such services, although affecting both females and males, seems to be by far more significant to women: according to a University of Chicago study, 33 percent of male students with children reported that their academic work was hampered by the need to care for children; for women with children, the figure was 77 percent.⁷⁰

The structure and content of the curriculum, research, and the academic disciplines

The policies, practices, and student programs of postsecondary education institutions often function to impose very concrete barriers to the participation of women in postsecondary education. A more subtle, but probably equally damaging, source of discouragement to female students lies in the structure and content of the curriculum, research, and academic disciplines which are the focal point of a student's postsecondary education experience. Generally, women find their experiences and contributions omitted from the curriculum, themselves excluded from research samples or their possible differences from males ignored in research designs, and the content of many of the major academic disciplines influenced by unexamined sexist assumptions. For example:

- Until recently, much of the psychological research regarding achievement motivation was dominated by the constructs developed by David C. McClelland and articulated in his book, *The Achieving Society*. In the study on which this work was based, women were considered only as the mothers of the boys and men who were the achieving subjects—they were never considered as potential achievers in their own right.⁷¹
- A leading art history textbook (*The History of Art* by Janson) does not mention a single woman artist in its text of over 500 pages; another volume (Hauser's *The Social History of Art*) acknowledges the existence of only one woman artist in a list of 450. (By contrast, Karen Petersen and J.J. Wilson, in their recent work on *Women Artists* discuss some 120 western woman artists.)⁷²
- In the 27 leading textbooks used in college-level American history survey courses (the textbooks which account for almost 99 percent of the market in this area), no more than two percent of the textual material in any one book is devoted to women, and in some volumes this percentage falls as low as .05.⁷³
- The influence of sexist assumptions is apparent in many of the most basic formulations of the various social science disciplines—in anthropological theories which assume sex to be a "universally necessary basis for role differentiation within a family";⁷⁴ in analyses of social stratification which fail to consider the unique experiences and circumstances of women within the male social universe;⁷⁵ and in many psychological constructs derived from a male-centered Freudian psychology.

With such omissions of women, their contributions, and their unique experiences from the academic curriculum, women may well be led to believe that the academic world of scholarship and research offers them no place as participants.

The status of women in postsecondary education employment and the attitudes of faculty toward women students

Although the status of women in postsecondary employment will be considered in some detail in the next section of this review, it is important to consider the influence upon women

students of the status of women as employees within postsecondary education institutions. The presence of women as faculty members or administrators in an education institution provides female students with role models for their own participation; the absence of such role models deprives women students of an important source of reinforcement and validation which is available to male students. The significance of such role models on the achievement of women was demonstrated by a study performed by Elizabeth Tidball. Tidball sampled women from three successive editions of *Who's Who in American Women* and found a strong positive correlation between the number of women faculty on a campus and the number of women achievers graduating from that campus.⁷⁶

The attitudes demonstrated by faculty toward women students are another influence upon the participation of females in postsecondary education. Several reports indicate that female students perceive a lack of encouragement in the attitudes of faculty members. One report describes what it terms "a climate of unexpectation" regarding female students;⁷⁷ another cites faculty attitudes which discourage academic work by females, which imply that scholarship is unfeminine, which indicate an indifference to training females, and which manifest a reluctance to find females financial aid or academic jobs.⁷⁸ In response to a national survey of graduate students conducted in 1969, 31 percent of the women responding indicated their belief that professors in the department did not take women seriously; the survey data suggested strongly that the rate and quality of student interaction with faculty consistently favored male graduate students.⁷⁹ Although most of the data available in this area are subjective and anecdotal, they do call attention to one important influence on any student's participation in education programs, an influence which is potentially significant to both women and men.

When all of these institutional barriers are considered together, it is clear that institutions of postsecondary education operate in many ways which function to discourage or to deny women opportunities for participation comparable to those available to males. (Indeed, the impression which emerges from reviews of data such as these is that institutions of postsecondary education are frequently functioning to discourage participation by most students who are not young, white, male, able to support their own educational participation, and able to devote full time to their education activities.) Differential admissions policies for females and males act to reinforce the lower educational aspirations of females. Differential financial aid policies reflect and embody the stereotypical notion that participation in postsecondary education is more important for males than for females. The failure at education institutions to permit part-time studies, to provide gynecological services, or to make provision for child care combine to increase the realistic role conflict experienced by many females who have chosen to marry or to have children. The relative absence of women from the curriculum and from the faculty and administration of education institutions deny women a view of their own potential roles in the education community. If equal participation by females and males in postsecondary education is to be attained and nondiscriminatory services are to be provided programs must be developed to eliminate institutional barriers such as these and to develop programs which can accommodate the different needs and experiences of both females and males of diverse racial, ethnic, and socioeconomic backgrounds.

Women as Employees in Postsecondary Education

Women as Faculty Members

Numerous studies have documented the underutilization of women on higher education faculties. One of the most recent of these is the 1975/76 publication of the American Association of University Professors, *Nearly Keeping Up: Report of the Economic Status of the Profession*.⁸⁰ According to this report, the total percentage of female faculty in the 1436 institutions sampled

	1974-75	1975-76
	%	%
Professor	10.1	9.1
Associate Professor	17.3	16.6
Assistant Professor	27.9	27.9
Instructor	48.0	49.3
Lecturer	41.4	41.2
All Ranks	22.5	21.7

The underutilization represented in these figures is apparent when a comparison is made of the 9.1 percent of full professors who are female with the 12.9 percent of all recipients of doctorates awarded between 1920 and 1973 who are female.

The AAUP report not only indicates a decrease in the percentage of women employed on higher education faculties but also a decrease in the compensation of women faculty members relative to that of men. In 1974, the percentage difference between the average compensation of men and women faculty members of the same rank was 4.5; in 1975-76, this differential had increased to 5.2 percent.

Further evidence of the underutilization of women on higher education faculties is provided in John A. Centra's study, *Women, Men and the Doctorate*,⁸¹ which compares matched populations of male and female Ph.D.'s from the classes of 1950, 1960 and 1968 as to marital status, employment, publications, income, and attitudes. His findings indicate that of those employed in academic institutions more men than women are employed at universities, while more women than men work at two- and four-year colleges. More women are teaching, while more men are in administration and management. Men have higher academic rank, and more men are presidents, deans and department heads. In contrast, women with comparable years of experience are instructors, lecturers, and assistant professors, or hold research appointments without faculty status.

Centra's findings also indicate that income is the area of greatest difference between men and women with doctorates. Men's incomes vary from an average of \$18,700 for those with five to six years of experience to \$27,100 for 22 to 23 years of experience. For the same experience levels, women's average income is \$16,400 and \$21,800, respectively. Similar patterns exist in all disciplines, with the greatest disparity in the physical sciences, where the comparable figures are \$17,800 to \$29,100 for men and \$14,700 to \$21,300 for women.

Findings similar to those of the AAUP and Centra reports have been published in many studies. Other data confirm that:

- Women are concentrated in the less prestigious education institutions: in the private "research institutions" women constitute only 10.8 percent of the faculty, while in private two-year colleges women comprise 34.2 percent of the faculty.⁸²
- The gap between the salaries of female and male faculty members increases with the prestige of the employing institutions. A 1975 estimate of the average gap between female and male faculty nationwide was \$2,800; the comparable estimate for faculty employed at university centers was \$3,800.⁸³
- The percentage of women holding tenured faculty positions appears to be declining. In 1971-72, 17 percent of women faculty occupied tenured positions; in 1974-75 this figure was only 13 percent.⁸⁴

It is interesting to note that despite Federal requirements for affirmative action, the status of women faculty within higher education institutions appears to be worsening.

Women as Administrators

The status of women within higher education administration is clearly apparent in Alexander Astin's finding that 19 out of 20 freshmen enter institutions in which all three key administrative posts (president, chief academic officer, and dean) are held by men.

A comprehensive study on *Women and Minorities in Administration of Higher Education Institutions* has recently been published by the College and University Personnel Administration.⁸⁵ 1,037 institutions of higher education provided data on 18,035 administrators employed during the 1975-76 academic year. These data indicated that:

- The large majority of people holding the 52 types of administrative positions studied were white men. White men held about 79 percent of the administrative positions at the survey institutions, white women held 14 percent, minority men held 5 percent, and minority women held under 2 percent.
- The institutions with women or minority student bodies employed a much larger percentage of women and minorities in administrative posts than did white coeducational colleges.
- White men held almost as large a share of the administrative posts (83 percent) at white coeducational institutions as they did at white men's colleges (88 percent).
- Minority women, with 25 percent of the administrative posts in minority institutions, were almost twice as well represented as were white women at white coeducational colleges with only 14 percent of the administrative posts, indicating that administrative employment patterns are less related to sex at minority institutions than at white institutions.
- At all institutions, men dominated the chief executive positions, holding 96 percent of the posts at both white coeducational and minority institutions, 69 percent at white women's colleges, and 100 percent at white men's colleges.
- Women and minorities were generally best represented in positions relating to student affairs and external affairs.
- Job concentration was much greater by sex than by race. The job concentration of women (both white and minority) tended to be much greater than that of white men and somewhat greater than that of minority men.
- Women, both white and minority, were paid only about 80 percent as much as men with the same job title when employed by the same type of institution.
- In contrast, though employed predominantly in the lower-paying positions, minority men were generally paid about as much as white men holding the same job title at the same type of institution.
- The percentages of jobs held by women and minorities generally tended to decrease as salaries increased, except at women's colleges and minority institutions.

It is clear that modifications in the policies and practices of postsecondary education institutions must be made if women are to be assured equal opportunity and equal treatment within higher education employment. The attainment of such equality is a legal requirement—both female and male employees are legally entitled to be employed and compensated for their employment without discrimination on the basis of sex. It is also a requirement for the survival of higher education—quality in higher education teaching and administration can only be maintained when the elimination of discriminatory practices makes it possible to identify and employ those persons who are most qualified to perform the complex functions required in our evolving education institutions.

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TITLE IX OF THE EDUCATION AMENDMENTS OF 1972— A SUMMARY OF THE IMPLEMENTING REGULATION

Introduction

Title IX of the 1972 Education Amendments is the first comprehensive Federal law to prohibit sex discrimination in the admission and treatment of students by education institutions receiving Federal financial assistance. Sex discrimination in the employment policies and practices of education institutions is also prohibited. The intent of the law is to eliminate sex discrimination in the programs, policies, and administration of education institutions. It reads:

No person in the United States shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The implementing regulation for Title IX was issued by the Secretary of Health, Education, and Welfare in June, 1975. Its provisions may be grouped into five major sections—general provisions (contained in Subpart A of the regulation), which outline the general procedures required for ensuring nondiscrimination and compliance with the regulation; coverage provisions (Subpart B of the regulation), which identify the education institutions, programs, and activities covered by the regulation; admissions provisions (Subpart C of the regulation), which specify prohibitions of discrimination in the recruitment and admissions of students; provisions pertaining to the treatment of students in education programs and activities (Subpart D of the regulation), which delineate the standards of nondiscrimination in student programs; and employment provisions (Subpart E of the regulation), which establish the requirements for nondiscrimination in employment.

Following is a summary of the regulation. It follows the sequence of the regulation itself; the number contained in brackets at the end of each summary paragraph refers to the section of the regulation from which the information is derived.

Two definitions contained in the regulation are of importance to users of this summary:

Recipient: The "recipient" referred to throughout the summary is defined as "any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance." [§86.2(h)]

Federal financial assistance: Education agencies or institutions which receive any of the following are considered recipients of "Federal financial assistance" for purposes of Title IX:

- grants or loans from the Federal Government, including funds for:
 - acquisition, construction, or renovation of buildings or facilities;
 - scholarships, loans, grants, wages, or other funds extended for payment to or on behalf of students of the institution, whether paid to the institution or directly to students for payment to the institution.
- grants of Federal property
- provision of the services of Federal personnel
- any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty. [§86.2(g)]

Copies of the regulation have been supplied to all local education agencies and postsecondary institutions. Copies of the regulation may also be obtained from the Department of Health, Education, and Welfare, Washington, D.C. 20201.

TITLE IX—A SUMMARY OF THE IMPLEMENTING REGULATION

GENERAL PROVISIONS

Remedial action. In the event of a finding of sex discrimination by the Director of the Office for Civil Rights in an education program or activity of a Federally assisted institution or agency, the institution or agency may be required to take remedial action to overcome the effects of such discrimination. Such requirement would be specified by the Director. [§86.3(b)]

Affirmative action. In the absence of a finding of sex discrimination, a recipient education institution may take affirmative action to overcome the effects of conditions which resulted in limited participation by persons of a particular sex. [§86.3(b)]

Self-evaluation. Every education institution receiving Federal funds must, within one year of the effective date of the regulation:

- evaluate its policies and practices as to their compliance with the regulation;
- modify its policies and practices as necessary for compliance;
- take appropriate remedial steps to eliminate the effects of discrimination resulting from these policies and practices.

A description of any modifications and remedial actions taken must remain on file for at least three years following completion of the evaluation. [§86.3(c)]

Assurance required. Every application for Federal financial assistance for any education program or activity must as a condition of its approval, contain or be accompanied by an assurance form certifying compliance with the regulation. Forms will be supplied by the Office for Civil Rights, HEW. [§86.4]

Designation of responsible employee. Every recipient must designate at least one employee to coordinate compliance efforts and investigate any complaints of sex discrimination; all students and employees must be notified of the name, office address, and phone number of this employee. [§86.8(a)]

Grievance procedures. Every recipient must adopt and publish grievance procedures providing for resolution of student and employee complaints. (Utilization of these procedures is not a prerequisite for the filing of a complaint with the Office for Civil Rights, HEW.) [§86.9(a)]

Notification of policy. Recipients must take specific and continuing steps to notify applicants for admission, students, parents, employees, and all unions or professional organizations holding bargaining or professional agreements with the recipient of its compliance with Title IX. Initial notification was required by October 19, 1975. [§86.9(a)]

Publications. Recipients must include a policy statement of nondiscrimination on the basis of sex announcement, bulletin, catalog, application form, or other materials used in connection with the recruitment of students or employees. No publication should suggest, by text or illustration, that the recipient treats students, applicants, or employees differently on the basis of sex except as permitted by the regulation. [§86.9(b)]

COVERAGE

General. The regulation applies to every recipient and to each education program or activity operated by a recipient which receives or benefits from Federal financial assistance. (Information regarding judicial interpretation of this language is provided in the preamble to the regulation. In analogous cases regarding racial discrimination, courts have held that the education functions of a school district or college include any service, facility, activity, or program which it operates or sponsors, including athletics and other extracurricular activities. The Federal funds may be terminated upon a finding that "they are infected by a discriminatory environment.") [§86.11]

Exemptions from coverage include: education institutions controlled by religious organizations, to the extent that compliance would not be consistent with religious tenets; military and merchant marine education institutions; and social fraternities and sororities in postsecondary institutions, YM and YWCA's, Girl and Boy Scouts, Camp Fire Girls, and other voluntary youth service organizations. [§86.12, §86.13 and §86.14]

Coverage of the admissions provisions applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education, other than those which have been traditionally and continually single sex. This does not include first-degree professional and vocational programs offered at private undergraduate institutions. [§86.15]

ADMISSIONS

The regulation requires that no person may, on the basis of sex, be denied admission or be subject to discrimination in admission by any recipient subject to the admissions provisions of Title IX. Specifically prohibited are:

- ranking applicants separately on the basis of sex;
- applying numerical limitations on the number or proportion of either sex who may be admitted;
- treating one individual differently from another on the basis of sex;
- administering any test or criterion for admission which has a disproportionately adverse effect on members of one sex unless such test or criterion is shown to validly predict success in the education program or activity and alternative tests are not available;
- applying any rule concerning the actual or potential parental, marital, or family status of a student which treats persons differently on the basis of sex;
- discriminating against or excluding any person on the basis of pregnancy or related conditions (these must be treated as any other temporary disability);
- making pre-admission inquiry as to the marital status of an applicant. [§86.21(a),(b),(c)]

Discrimination in the recruitment of applicants for admission is also prohibited:

- preference may not be given nor may applicants for admission be recruited on the basis of attendance at an education institution which is predominantly single sex unless the pool of applicants eligible for such preferences includes roughly equivalent numbers of males and females [§86.22];
- a recipient may not discriminate on the basis of sex in the recruitment of students unless additional recruitment efforts for members of one sex are undertaken as remedial or affirmative action. [§86.23(a)]

TREATMENT OF STUDENTS IN EDUCATION PROGRAMS AND ACTIVITIES

General. All education institutions or activities receiving Federal financial assistance are subject to these regulatory requirements, including those whose admissions are exempt from coverage. This portion of the regulation requires that:

no person shall, on the basis of sex, be excluded from participation in, be denied the benefits, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or any other education program or activity operated by a recipient. [§86.31(a)]

It specifically provides that recipient institutions may not, on the basis of sex:

- provide different aid, benefits, or services;
 - deny any person such aid, benefit, or service;
 - subject any person to separate or different rules of behavior, sanctions, or other treatment;
 - discriminate against any person in the application of any rules of appearance;
 - apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state tuition;
 - provide significant assistance (defined in the preamble to the regulation as facilities or a faculty sponsor) to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefits, or service to students or employees;
 - limit any person in the enjoyment of any right, privilege, advantage, or opportunity.
- [§86.31(b)]

Assistance administered by an institution for study abroad. A recipient institution may administer awards established by foreign or domestic legal instruments restricted to members of one sex which are designed to provide opportunities for study abroad provided the institution otherwise makes available reasonable opportunities for members of the other sex. [§86.31(c)]

Programs not operated by recipients. A recipient institution may not facilitate, require, permit, or consider as part of an activity or program it operates, participation by any applicant, student, or employee in a program not operated by the recipient which discriminates on the basis of sex. This includes participation in education consortia and cooperative employment and student teaching assignments. [§86.31(d)]

Housing. A recipient may not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing. A recipient may provide separate housing on the basis of sex, provided that housing provided for students of one sex, when compared to that provided to students of the other, is as a whole proportionate in quantity to the number of students of that sex applying and comparable in quality and cost to the student. [§86.32(a)(b)]

A recipient which assists any agency or person in making housing available to its students must take reasonable action to assure itself that housing provided is proportionate in quantity

and comparable in quality and cost to students of both sexes. A recipient may not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by the recipient. [§86.32(c)]

Facilities. A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex; those provided for one sex must be comparable to those provided for the other. [§86.33]

Course offerings. Course offerings or other education activities may not be provided separately on the basis of sex, nor may participation therein be refused or required on such basis. Included are health, physical education, industrial, business, vocational, technical, home economics, music, and adult education course. [§86.34]

- With respect to physical education courses, institutions must comply with this requirement as expeditiously as possible but in no event later than one year from the effective date of the regulation at the elementary level and three years from the effective date of the secondary and postsecondary levels. Students may be grouped by ability in physical education classes and activities as long as ability is assessed by objective standards developed and applied without regard to sex. Students may be separated by sex within physical education classes during participation in contact sports. [§86.34(a)(b)(c)]
- Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted separately for males and females. [§86.34(e)]
- Recipient institutions may make requirements based on vocal range or quality which result in choruses of one or predominantly one sex. [§86.34(f)]

Schools of vocational education. A local education agency may not, on the basis of sex, exclude any person from admission to any institution of vocational education or any other school or education unit it operates unless it otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service, and facility offered in or through such schools. [§86.35]

Counseling and counseling materials. Institutions may not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants. [§86.36(a)]

- Recipients may not use different materials for students on the basis of sex or use materials which permit or require differential treatment of students on such basis unless such materials cover the same occupations and interest areas and their use is shown to be essential to eliminate sex bias. Recipients must develop and use internal procedures for ensuring that counseling materials do not so discriminate. [§86.36(b)]
- Where a recipient finds that a particular class or course of study contains a substantially disproportionate number of individuals of one sex, the recipient must take such action as is necessary to assure itself that this disproportion is not the result of sex discrimination by counselors or in counseling materials. [§86.36(c)]

Financial assistance. Recipients may not, on the basis of sex:

- provide different amounts or types of financial assistance, limit eligibility for such assistance, or apply different criteria;

- apply any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other with regard to marital or parental status;
- assist, through solicitation, listing, approval, or provision of facilities or services, any agency or person which provides assistance to a recipient's students in a manner which discriminates on the basis of sex. [§86.37(a)]

Recipients may administer financial assistance established by domestic or foreign instruments which require that awards be made to members of a specified sex provided that the overall effect of the awarding of such sex-restricted funds does not discriminate on the basis of sex. To ensure such nondiscriminatory effect:

- students must be selected for awards of financial assistance on the basis of nondiscriminatory criteria;
- an appropriate sex-restricted award should be allocated to each student selected;
- no student may be denied the award for which he or she was selected because of the absence of financial assistance designed for a member of that student's sex. (According to the preamble of the regulation, if there are insufficient sources of financial aid designated for members of a particular sex to provide funds for students of that sex selected, the institution is required to obtain the necessary funds from other sources or to award less assistance from the sex-restricted sources.) [§86.37(b)]

If a recipient awards athletic scholarships, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics. Separate athletic scholarships for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with the portion of the regulation dealing with athletics. [§86.37(c)]

Employment assistance to students. A recipient institution which assists any agency or person in making employment available to its students must assure itself that employment is made available without discrimination; it may render no services or assistance to agencies or individuals which discriminate on the basis of sex in employment practices. [§86.38]

Health and insurance benefits and services. Institutions may not discriminate on the basis of sex in providing medical, hospital, accident, or life insurance benefits, services, policies, or plans to any students. This does not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. Any recipient which provides full coverage health services must provide gynecological care. [§86.39]

Marital or parental status. A recipient may not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex. [§86.40(a)]

No student may be discriminated against or excluded from an education program or activity (including any class or extracurricular activity) on the basis of pregnancy or related conditions unless the student requests voluntarily to participate in a separate portion of the program or activity. [§86.40(b)]

- A recipient may require a pregnant student to obtain a physician's certification of her physical and emotional ability for normal participation in the education program or activity if such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
- A recipient which operates a portion of its education program separately for pregnant students, admission to which is voluntary, must ensure that this program is comparable to the program offered to nonpregnant students.
- A recipient must treat pregnancy and related conditions in the same manner and under the same policy as any other temporary disability with respect to any medical or hospital benefit, service, or policy in which such recipient participates with respect to students. If there is no leave policy maintained for students, pregnancy and related conditions must be treated as justification for a leave of absence, after which a student shall be reinstated to the status she held before the leave began. [§86.40(b)]

Athletics. The general requirement of this section is that:

no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide athletics separately on such basis. [§86.41(a)]

Separate teams may, however, be operated for members of each sex where:

- selection for such teams is based upon competitive skills; or
- the activity involved is a contact sport.

Where a recipient operates or sponsors a team in a particular sport for members of one sex but operates no such team for members of the other, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport (boxing, wrestling, rugby, ice hockey, football, basketball, and other sports the major activity of which involves bodily contact). [§86.41(b)]

Equal opportunity for members of both sexes must be provided in interscholastic, intercollegiate, club, or intramural athletics operated or sponsored by a recipient. In assessing the availability of equal opportunity, HEW will consider, among other factors:

- whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
- provision of equipment and supplies;
- scheduling of games and practice time;
- travel and per diem allowance;
- opportunity to receive coaching and academic tutoring;
- assignment and compensation of coaches;

- provision of locker rooms, practice, and competitive facilities;
- provision of housing and dining facilities and services;
- publicity.

Unequal aggregate expenditures for members of each sex or for male and female teams will not constitute noncompliance, but HEW may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity. [§86.41(c)]

All recipient institutions must comply as expeditiously as possible; elementary schools must be in full compliance with this section within one year from the effective date of the regulation, secondary and postsecondary schools within three years. [§86.41(d)]

Textbooks and curricular materials. Nothing in the regulation requires or prohibits the use of particular textbooks or curricular materials. [§86.42]

EMPLOYMENT

General. All education institutions receiving Federal financial assistance must comply with the employment provisions of the regulation. In general, the regulation prohibits:

- exclusion from participation in, denial of the benefits of, or subjection to discrimination on the basis of sex of any person in employment, or recruitment, consideration, or selection thereof, whether full- or part-time;
- the limitation, segregation, or classification of applicants or employees in any way which could adversely affect any employment opportunities or status because of sex;
- entrance by a recipient into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to sex discrimination, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient;
- the granting of preferences to applicants for employment on the basis of attendance at a single sex education institution, unless the numbers of each sex eligible for such preference are roughly equivalent. [§86.51(a)]

Specifically, discrimination is prohibited in:

- recruitment, advertising, and the process of application for employment;
- hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;
- rates of pay or any other form of compensation;
- job assignments, classification, and structure, including position descriptions, lines of progression, and seniority lists;
- the terms of any collective bargaining agreement;
- granting and return from leaves of absence, leave for pregnancy and related conditions, leave for persons of either sex to care for children or dependents;
- fringe benefits;
- selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, sabbaticals and leaves of absence to pursue training;
- employer-sponsored activities, including social or recreational programs;
- any other term, condition, or privilege of employment. [§86.51(b)]

Employment criteria. A recipient may not administer any test or other criterion for employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless it is shown to validly predict successful performance in the position in question and alternative tests or criteria are not available. [§86.52]

Recruitment. A recipient may not discriminate on the basis of sex in the recruitment and hiring of employees. When a recipient is found to be presently discriminating on the basis of sex (or to have so discriminated in the past), it will recruit members of the sex so discriminated against so as to overcome the effects of past or present discrimination. A recipient may not recruit primarily at entities which furnish as applicants predominantly members of one sex [§86.53]

Compensation. A recipient may not, on the basis of sex, make distinctions in rates of pay or other compensation which result in the payment of wages to employees of one sex at a rate less than that paid to employees of the other sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility and which are performed under similar working conditions. [§86.54]

Job classification. A recipient may not:

- classify a job as being for males or females;
- maintain separate lines of progression, seniority lists, career ladders, or tenure systems based on sex;
- maintain separate lines of progression, etc., which classify persons on the basis of sex unless sex is a *bona fide* occupational qualification for the positions in question. [§86.55]

Fringe benefits. Under this regulation, fringe benefits means any medical, hospital, accident, life insurance, or retirement benefit, service, policy, or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment. A recipient shall not:

- discriminate on the basis of sex with regard to making fringe benefits available to employees, or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;
- administer, operate, offer, or participate in a fringe benefit plan which does not provide *either* for equal periodic benefits or equal recipient contributions to the plan for members of each sex;
- participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates on such basis. [§86.57 (a)(b)]

Marital or parental status. A recipient may not:

- take any employment action concerning the potential marital, parental, or family status of an employee or applicant which treats persons differently on the basis of sex; or
- which is based upon whether an employee or applicant is the head of household or principal wage earner. [§86.56(a)]

Pregnancy. A recipient may not discriminate against or exclude from employment any employee or applicant on the basis of pregnancy or related conditions. Pregnancy and all related conditions must be treated as any other temporary disability for all job related purposes, including commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and reinstatement, and under any fringe benefits offered to employees. If a recipient does not

maintain a leave policy for its employees, pregnancy and related conditions must be treated as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began, or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities. [§86.57(b)(c)(d)]

Pre-employment inquiries. A recipient may not make pre-employment inquiry as to the marital status of an applicant for employment. A pre-employment inquiry as to applicant sex may be made, but only if such inquiry is made equally of applicants of both sexes and if the results of the inquiry are not used to discriminate. [§86.60(a)(b)]

Sex as a *bona fide* occupational qualification. Recipients may make employment decisions prohibited by the regulation provided they can demonstrate that sex is a *bona fide* occupational qualification which is essential for carrying out job responsibilities. Such action cannot be based on alleged characteristics or stereotyped characterizations of one or the other sex, or on preference based on sex of the recipient, employees, students, or other persons. This does not prevent consideration of an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex. [§86.61]

Note: Title IX coverage of employment practices has been at issue in the recent issue of *Romeo Community Schools v. U.S. Department of Health, Education, and Welfare*. In this case, the Romeo, Michigan, Community Schools sought to stop HEW from enforcing the Title IX regulation provisions regarding employee pregnancy and maternity leave. Although the opinion issued by U.S. District Judge Feikens in April concluded that Title IX was not intended to reach any of the employment practices of recipients, the judgment entered in May to implement the opinion declared invalid only that section of the Title IX regulation dealing with the marital and parental status (including pregnancy) of employees. Furthermore, the Office for Civil Rights has announced its decision to continue enforcement of Title IX regulatory requirements related to employment (including those related to pregnancy) as usual outside the jurisdiction of the U.S. District Court for the Eastern District of Michigan and to appeal the decision by Judge Feikens.

ENFORCEMENT PROCEDURES

Pending HEW's final issuance of a consolidated procedural regulation applicable to Title IX and other civil rights legislation administered by the Department, the procedures applicable to enforcement of Title VI of the Civil Rights Act of 1964 will be used to implement the regulation under Title IX. Under these existing procedures, complaints alleging violations of Title IX may be filed by letter to the Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. 20201 or to the appropriate regional office of the Department of HEW.

EVALUATING IMPLEMENTATION OF THE PROCEDURAL REQUIREMENTS FOR TITLE IX COMPLIANCE

The Title IX regulation required all education institutions receiving Federal funds to complete five compliance procedures no later than July 21, 1976. These five required compliance procedures include:

- 1) development of a policy statement of Title IX compliance and nondiscrimination on the basis of sex, and notification of specified groups regarding this policy
- 2) designation of an employee responsible for coordinating Title IX compliance efforts
- 3) development and publication of a grievance procedure(s) for the resolution of student and employee complaints alleging violations of Title IX
- 4) implementation of an institutional self-evaluation to assess agency policies and practices for compliance with regulation requirements and modify them where necessary to ensure compliance
- 5) submission of assurances of Title IX compliance to accompany applications for Federal financial assistance

Responsibility for each of these procedures continues in some way. Schools must make continuing notification of their Title IX compliance policy and they must include the policy statement in their ongoing publications; they must retain an employee with Title IX coordination responsibilities; and they must maintain the Title IX grievance procedure on a continuing basis. Records of modification and remedial steps taken under the institutional self-evaluation must be on file for a three-year period after completion of the evaluation. Title IX compliance assurances must be maintained on file with the Office for Civil Rights, HEW, and referenced with every application for Federal financial assistance.

Effective implementation of these five compliance procedures establishes a structure for all subsequent Title IX implementation efforts. The institutional self-evaluation should provide a baseline for change efforts and for the assessment of progress. The notification of policy and the maintenance of the Title IX grievance procedure(s) provide mechanisms for the involvement of all students and employees in the identification and resolution of Title IX implementation problems as they may arise. Designation of a Title IX coordinator should ensure that at least one employee is responsible for the systematic monitoring of implementation on a continuing basis.

Because of the potential significance of these procedures in ongoing Title IX compliance and sex equity efforts, it is useful to consider the degree to which these requirements have been effectively implemented. Five checklists for this purpose—one corresponding to each procedure—are provided in the following pages. They should be used for assessing the adequacy of implementation efforts to date and for designing action steps for the improvement of implementation efforts. (A "No" answer indicates an area in which improvement may be desirable.) Although the initial deadline for compliance has passed, follow-up actions may be taken at any time to strengthen an education agency's Title IX compliance base.

CHECKLIST ONE: EVALUATING TITLE IX POLICY NOTIFICATION PROCEDURES

The following questions are designed to assist in the evaluation of procedures for the notification of Title IX compliance policy as required by the regulation to implement Title IX.

- Has a policy notification been developed containing:
 - a statement of institutional/agency responsibility for compliance with Title IX requirements for nondiscrimination in education programs and employment? Yes ☐ No ☐
 - a statement that any inquiries regarding Title IX and its application may be referred to the employee designated with responsibility for coordinating compliance or to the Director of the Office for Civil Rights, HEW? Yes ☐ No ☐
- Have general guidelines been routinely and systematically disseminated to inform staff of the implications of the nondiscrimination policy and its relationship to their job responsibilities? Yes ☐ No ☐
- Has a procedure for continuing notification of policy been implemented to ensure notification of:
 - students? Yes ☐ No ☐
 - applicants for admission? Yes ☐ No ☐
 - admissions recruitment representatives? Yes ☐ No ☐
 - employees? Yes ☐ No ☐
 - applicants for employment? Yes ☐ No ☐
 - sources of referral for employment? Yes ☐ No ☐
 - employment recruitment representatives? Yes ☐ No ☐
 - unions or professional organizations holding collective bargaining or professional agreements with the institution or agency? Yes ☐ No ☐
- Has notification of the policy been published in:
 - local newspapers? Yes ☐ No ☐
 - newspapers or magazines produced by the institution or agency, by students, or by alumni groups? Yes ☐ No ☐
 - memoranda or other written communications distributed to every student and employee? Yes ☐ No ☐
- Has a procedure been developed to ensure ongoing publication of the policy of nondiscrimination on the basis of sex in:
 - course announcements? Yes ☐ No ☐
 - bulletins? Yes ☐ No ☐
 - catalogs? Yes ☐ No ☐
 - application forms? Yes ☐ No ☐
 - student recruiting materials? Yes ☐ No ☐
 - employee recruiting materials? Yes ☐ No ☐
- Has a responsibility for publications review been assigned to ensure that institutional or agency publications do not suggest, by text or illustration, differential treatment of applicants, students, or employees on the basis of sex except when permitted by the regulation? Yes ☐ No ☐

CHECKLIST TWO: EVALUATING PROCEDURES FOR TITLE IX COORDINATION

The following questions are designed to assist in the evaluation of procedures and responsibilities established for Title IX coordination as required by the regulation to implement Title IX. (Note: These questions are based on general principles of education management rather than on legal guidelines.)

- Has an employee(s) been designated responsible for coordinating and monitoring activities necessary for compliance with Title IX? Yes ☐ No ☐
- Have employees and students been notified of the designation of the responsible person(s) and her/his office address(es) and telephone number(s) at least on a yearly basis? Yes ☐ No ☐
- Has a written job description for the Title IX coordinator been developed which clearly specifies the tasks and responsibilities of the job? Yes ☐ No ☐
- Does the Title IX coordinator have full access to the chief executive officer of the institution? Yes ☐ No ☐
- Are procedures specified for the major exchange of information between the Title IX coordinator and the chief administrative officer? Yes ☐ No ☐
- Has the right of the Title IX coordinator to obtain access to any information necessary to the performance of job responsibilities been clearly specified to all staff? Yes ☐ No ☐
- Does the Title IX coordinator have responsibility for:
 - grievance procedure administration? Yes ☐ No ☐
 - grievance advocacy for
 - students? Yes ☐ No ☐
 - employees? Yes ☐ No ☐
 - administrators? Yes ☐ No ☐
 - grievance resolution or decisionmaking? Yes ☐ No ☐
 - compliance recordkeeping? Yes ☐ No ☐
 - program development/decisionmaking? Yes ☐ No ☐
 - program recommendations? Yes ☐ No ☐
 - staff training/assistance/communications? Yes ☐ No ☐
 - student or parent assistance/communications? Yes ☐ No ☐
- If the Title IX coordinator is responsible for functions other than Title IX coordination, have these functions been adjusted to permit the Title IX coordinator to expend adequate time on Title IX responsibilities? Yes ☐ No ☐

CHECKLIST THREE: EVALUATING THE IMPLEMENTATION OF THE TITLE IX GRIEVANCE PROCEDURE

The Title IX grievance procedure required by the regulation to implement Title IX may be evaluated on two primary dimensions:

- its content
- its implementation

The questions in this checklist are designed to assist in the evaluation of the implementation of the Title IX grievance procedure. (A checklist for the evaluation of the content of the Title IX grievance procedure is provided within the section of this notebook which contains the worksheets for Generic Session Two.)

The checklist is organized within four sections:

- Pre-implementation
- Filing and initial processing of grievances
- Grievance processing
- Grievance follow-up, monitoring, and reporting

(Note: The Title IX regulation specifies no requirements for the grievance procedure beyond that it be "prompt and equitable." These questions are based on general principles of grievance processing rather than on legal guidelines.)

Pre-implementation

- Has a written Title IX grievance procedure been prepared which provides for the prompt and equitable resolution of complaints of sex discrimination? Yes ☐ No ☐
- Has the Title IX grievance procedure been reviewed to ensure its compliance with any existing standards specified by relevant state and local laws/regulations, contracts with employee organizations, etc.? Yes ☐ No ☐
- Has the Title IX grievance procedure been reviewed and approved by institutional governance? Yes ☐ No ☐
- Has the grievance procedure or a summary of the procedure been published and disseminated to all students and employees? Yes ☐ No ☐
- Have orientation or briefing sessions been held with students and employees to ensure their understanding of the grievance procedure and its use? Yes ☐ No ☐

- Have all employees with responsibility for the implementation of the procedure been provided briefing and information on the procedure and the requirements of the Title IX regulation?
- Have persons serving as hearing officers been provided with basic orientation on grievance processing and in-depth training on the Title IX regulation, interpretation guidelines, and judicial precedents?
- Have the specific assignments of staff roles and responsibilities been made for all tasks within the grievance procedure?
- Have the responsibilities of the Title IX coordinator been delineated and a statement of these disseminated to all employees and students?

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Filing and initial processing of grievances:

- Is information regarding the nature of the grievance procedure and the coverage of the Title IX regulation easily available to all employees and students?
- Has a form or outline been developed which clearly states the information required for the filing of a grievance?
- Can students and employees file grievances at places of maximum convenience and accessibility?
- Are personnel available for assisting students and employees in the filing of grievances?
- Is opportunity provided for the clarification of grievance issues and for prompt and informal resolution of grievances when further processing is not needed?
- Do notification forms used at all grievance stages provide grievants and respondents with full information regarding their rights and responsibilities in the grievance process?

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Grievance processing:

- Are timelines and requirements for promptness fully observed in the handling of grievances at each step of grievance processing?
- Are stated notification procedures fully observed?
- Are grievance hearings conducted according to specified procedures?
- Are records of grievance hearings maintained?

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Grievance follow-up, monitoring, and reporting:

- Are all grievance decisions reviewed for their implications for modifications of policy, procedure, or practice beyond specified corrective steps? Yes ☐ No ☐
- Are all identified modifications and corrective steps broken down into their specific tasks, staff responsibilities, and implementation timelines? Yes ☐ No ☐
- Are all staff notified of their specific responsibilities related to the implementation of modifications and corrective steps? Yes ☐ No ☐
- Are staff provided information and assistance necessary to the implementation of modifications and corrective steps? Yes ☐ No ☐
- Are periodic surveys and reviews made to assess the implementation of modifications and corrective steps and to identify any related problems? Yes ☐ No ☐
- Are regular reports regarding the implementation of modifications and corrective steps required of all staff? Yes ☐ No ☐
- Are records of grievances, grievance processing, and modifications and corrective steps maintained for a three-year period? Yes ☐ No ☐
- Are all detailed grievance records (those identifying involved parties) maintained on a confidential basis and without notation in student or personnel files? Yes ☐ No ☐
- Is a set of open records regarding grievance resolutions and precedents (parties unidentified) available to students, employees, and other interested persons? Yes ☐ No ☐
- Are regular reports of grievance precedents and compliance efforts disseminated to all students, employees, and governance persons? Yes ☐ No ☐
- Are continuing assessments made of the understanding of students and employees regarding Title IX provisions and the Title IX grievance procedure? Yes ☐ No ☐

CHECKLIST FOUR: EVALUATING THE TITLE IX SELF-EVALUATION

The following questions are designed to assist in the evaluation of the Title IX self-evaluation required by the regulation to implement Title IX. By July 21, 1976, education agencies and institutions receiving Federal financial assistance were required to:

- evaluate their policies, programs, and practices for their compliance with Title IX regulation requirements
- modify them as necessary to ensure compliance
- take steps to remedy the effects of any discrimination resulting from identified noncompliance

This checklist is organized within three sections:

- The content of the self-evaluation
- The process of the self-evaluation
- Follow-up and monitoring of the self-evaluation

(Note: The Title IX regulation established no particular requirements or standards for the self-evaluation other than that it should include the three components listed above. The questions in this checklist are based on general principles of evaluation rather than on legal guidelines.)

The content of the self-evaluation

Does the self-evaluation *specifically* cover:

- | | |
|---|--|
| • student admissions? | Yes ☐ No ☐ |
| • student recruitment? | Yes ☐ No ☐ |
| • student rules and regulations, including: | |
| —rules of behavior? | Yes ☐ No ☐ |
| —rules of appearance? | Yes ☐ No ☐ |
| —rules regarding student domicile or residence, including those relevant to eligibility for in-state tuition? | Yes ☐ No ☐ |
| —rules regarding eligibility for any aid, benefit, or service? | Yes ☐ No ☐ |
| • student housing? | Yes ☐ No ☐ |
| • facilities? | Yes ☐ No ☐ |
| • student access to courses, including: | |
| —course admission requirements? | Yes ☐ No ☐ |
| —graduation requirements? | Yes ☐ No ☐ |
| —disproportionate course enrollments? | Yes ☐ No ☐ |

- vocational education? Yes ☐ No ☐
- physical education? Yes ☐ No ☐
- counseling
 - programs? Yes ☐ No ☐
 - materials? Yes ☐ No ☐
 - tests and instruments? Yes ☐ No ☐
- financial assistance, including:
 - assistance administered by an institution for study abroad? Yes ☐ No ☐
 - athletic scholarships and assistance? Yes ☐ No ☐
- employment assistance to students? Yes ☐ No ☐
- health insurance benefits and services? Yes ☐ No ☐
- policies, programs, and practices related to student marital or parental status? Yes ☐ No ☐
- athletics and competitive sports:
 - student activities and programs? Yes ☐ No ☐
 - personnel practices? Yes ☐ No ☐
- employment policies and practices related to:
 - recruitment/selection? Yes ☐ No ☐
 - promotion, tenure, layoff, application of nepotism policies? Yes ☐ No ☐
 - rates of pay/compensation? Yes ☐ No ☐
 - job assignments and classification? Yes ☐ No ☐
 - fringe benefits? Yes ☐ No ☐
 - leaves of absence, including child-rearing leave? Yes ☐ No ☐
 - terms of collective bargaining agreements? Yes ☐ No ☐
 - administrative staff? Yes ☐ No ☐
 - faculty? Yes ☐ No ☐
 - support service staff? Yes ☐ No ☐
- Does the self-evaluation clearly specify the documents, publications, etc., which were examined during the review process, and indicate the criteria used in examining each? Yes ☐ No ☐
- Does the self-evaluation include objective data to support its conclusions, e.g.:
 - list of course enrollments by sex? Yes ☐ No ☐
 - description of athletic programs by sex? Yes ☐ No ☐
 - survey of student athletic interests? Yes ☐ No ☐
 - analysis of disciplinary actions by sex over a specified period of time? Yes ☐ No ☐

—listing of tests and counseling instruments used, with information on male/female norms, scales, etc.?

Yes ☐ No ☐

—other (please list)

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

- Does the self-evaluation clearly specify actions taken/to be taken when possible noncompliance is identified:

—corrective actions?

Yes ☐ No ☐

—remedial steps?

Yes ☐ No ☐

- Are these actions generally:

—appropriate?

Yes ☐ No ☐

—sufficient?

Yes ☐ No ☐

The Process of the Self-Evaluation

- Are the procedures and criteria used in the self-evaluation clearly specified?

Yes ☐ No ☐

- Are the persons involved in the design of the self-evaluation clearly specified?

Yes ☐ No ☐

Did they include:

—representatives of various schools/departments?

Yes ☐ No ☐

—staff with responsibilities in each of the areas evaluated?

Yes ☐ No ☐

—administrators?

Yes ☐ No ☐

—faculty?

Yes ☐ No ☐

—support staff?

Yes ☐ No ☐

—students?

Yes ☐ No ☐

—persons with expertise on Title IX?

Yes ☐ No ☐

- Are the persons from whom information was requested clearly specified?

Yes ☐ No ☐

Did they include:

—persons with diverse responsibilities and levels of responsibility in each of the areas evaluated?

Yes ☐ No ☐

—administrators?

Yes ☐ No ☐

—faculty/counseling staff?

Yes ☐ No ☐

—support staff?

Yes ☐ No ☐

—persons representing the various schools/departments?

Yes ☐ No ☐

—students?

Yes ☐ No ☐

—persons with expertise on Title IX?

Yes ☐ No ☐

- Are the persons responsible for analyzing the information clearly specified?

Yes ☐ No ☐

Did they include:

- persons with diverse responsibilities and levels of responsibility in each of the areas evaluated?
- administrators?
- faculty/counseling staff?
- support staff?
- students?
- persons with expertise on Title IX?

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

- Were all persons in the institution notified of the self-evaluation and invited to submit any information they considered relevant?

Yes ☐ No ☐

Follow-up and monitoring of the self-evaluation

- When corrective or remedial steps were required, were timelines and staff responsibilities for their implementation clearly specified?
- Were staff responsibilities for monitoring of these steps clearly specified?
- Have all specified steps been implemented according to the appropriate timelines?
- Are periodic updates of the self-evaluation planned or conducted?
- Is the self-evaluation or a record of modifications and remedial steps available for review and comment by interested persons?

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

**CHECKLIST FIVE: EVALUATING THE SUBMISSION OF
TITLE IX COMPLIANCE ASSURANCES**

The following questions are designed to assist in the evaluation of compliance with the Title IX regulation requirement for submission of compliance assurances to establish or to maintain eligibility for Federal financial assistance. Form 639 and the revised Form 639A were developed by the Office for Civil Rights for submission of such assurances and copies were mailed to all recipients of Federal funds. The initial deadline for submission of the Form to OCR was September 30, 1976; all agencies which do not currently have the Form on file with OCR face possible termination of Federal funds.

- Does the education agency maintain all data necessary to determine compliance with Title IX regulation requirements? Yes ☐ No ☐
- Has a copy of Form 639 or 639A been submitted to the Office for Civil Rights, HEW? Yes ☐ No ☐

IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY: CONDITIONS AND STRATEGIES FOR INSTITUTIONAL/PROFESSIONAL CHANGE

In most education institutions, various changes are necessary if Title IX regulation requirements are to be fully implemented and sex equity is to be attained. It is useful to consider these changes at two related but separate levels:

- 1) changes in the professional practices of individual educators
- 2) changes in the organization, operations, and policies of education institutions

Title IX implementation and sex equity must be evident both in the individual activities and classrooms of particular institutions and in the structure and functioning of entire institutions and professional organizations.

The following pages will focus on the implementation of Title IX and the attainment of sex equity in schools at the institutional/professional level.¹ They will suggest:

- strategies for achieving change and equity at the institutional/professional level
- conditions which facilitate institutional/professional change

Strategies for Institutional/Professional Change

Strategies for achieving institutional/professional change in education institutions and professional organizations are those which are directed toward establishing a system of roles, norms, structures, and reinforcements which can involve a diversity of people in the achievement of a common purpose—full implementation of Title IX and the attainment of sex equity. Systemic institutional and professional change is essential if postsecondary institutions are to achieve equitable policies, programs, and practices which are consistent throughout entire institutions, and if change by individual educators is to be facilitated and supported.

Strategies for achieving institutional/professional change include:

- **Policy development/clarification/communication**—The written policies of an education institution establish the guidelines or “rules” which are to be followed in carrying out education programs and activities. The policies are important in that they are available to everyone and they provide the standards for the operation of education programs and activities.

Although all institutions are required by the Title IX regulation to publish a general policy of nondiscrimination on the basis of sex, few have developed the necessary policy guidelines which

¹ Change in the professional practices of individual educators is the focus of the six application handbooks which supplement this *Participant's Notebook*.

specify the implications of the policy for various institutional operations. Effective policy implementation requires the specification of the policies and ongoing efforts to ensure their dissemination.

Development/clarification/communication of policy and policy guidelines is an important continuing action for Title IX implementation and institutional change.

- **Compliance data collection and evaluation**—The importance of systematic data collection and identification of corrective and remedial actions was recognized in the Title IX regulation in its requirement for an institutional self-evaluation. It is essential that data collection be maintained as a method of measuring progress and identifying recurrent or emerging problems. If there is reason to believe that the institutional self-evaluation was not as comprehensive as might be desirable, consideration should be given to an updating of the self-evaluation.

- **Provision of information and orientation to education personnel**—Full implementation of Title IX is only attained when the requirements of the regulation are modeled in the actual delivery of education services. This can only occur when there is an ongoing effort to ensure that all administrators, faculty, and staff have an understanding of the intent and implications of Title IX, and the knowledge and skills necessary for the delivery of nonsexist services. Any significant change requires retraining of personnel to ensure that they acquire necessary knowledge and the required skills. If education personnel are to acquire Title IX-related knowledge and skills, regular provision of information and orientation, periodic monitoring, and continuing reinforcement of desired nonsexist behaviors will be required.

- **Research and investigation**—Attainment of full sex equity in postsecondary education will require research and investigation of two primary types:

- 1) research and investigation regarding the variables which influence women's entry in and completion of various types of postsecondary programs and interventions which are effective in increasing both entry and completion rates of females of all racial-ethnic groups.
- 2) research and scholarship which can increase the representation of women's issues, contributions, and perspective within the content and structure of the curriculum and the academic disciplines

Research and scholarship in such areas is one of the most fundamental change actions which can be supported by institutions of postsecondary education.

- **Program modification/development**—Attainment of Title IX implementation and sex equity is likely to require both the modification of existing programs and the development of new programs. For example, an area where compliance with the requirements of the regulation is likely to necessitate program modification is the women's competitive sports program. In most institutions, program modifications are necessary for providing equal access and equal opportunity for women in athletics.

In addition, there are many other areas where the development of programs would facilitate Title IX compliance efforts and the attainment of sex equity. Such programs might include special counseling programs to support education participation by adult women, women's studies programs, administrative internship programs for minority and female personnel, programs of child care for female students and employees, etc.

• **Budget allocations**—Implementation of Title IX and achievement of sex equity may require budget allocations or reallocation of existing funds. Procurement of funds for program development or program modification may be needed when necessary actions cannot be integrated into existing programs or when there is need to assess the impact of specific programs.

All of these strategies may be applied to achieving institutional/professional change for Title IX implementation and the attainment of sex equity in postsecondary education. They provide a critical framework for individual change efforts.

Conditions Which Facilitate Institutional/Professional Change

Another way of considering institutional/professional change related to the attainment of sex equity in education is to identify some of the major conditions which must exist if change is to be implemented and effective. Seven conditions appear to be necessary if institutions are to undertake the changes required for full implementation of Title IX and the attainment of sex equity. These conditions, and some of the strategies which may be utilized to achieve them, are described briefly below.

1. **Change begins with a consensus that sex discrimination and sex bias exist and that such discrimination and bias should be eliminated.**

The first step in dealing with any educational issue is recognizing that a need for change exists. Acknowledgment of the need must be made by persons working within education institutions and persons within the community being served. Until there is some level of consensus that sex discrimination and sex bias is a problem in an institution or profession, there is comparatively little that can be done to develop programmatic strategies for dealing with the problem. When no consensus exists, appropriate action strategies would focus on increasing peoples' awareness of existence of the problem. Such strategies might include documentation of differential treatment of male and female students and employees; dissemination of this information; involvement of students and education personnel in efforts to assess sex equity/Title IX compliance; implementation of information/orientation sessions; etc.

2. **Change requires an understanding of the specific sources of sex discrimination and bias in postsecondary education and their possible effects.**

Determination of appropriate change strategies requires an understanding of specific sources of sex discrimination and bias in an institution. If sex discrimination and bias in postsecondary education are to be eliminated, education personnel must have a thorough understanding of the specific policies and practices which result in sex discrimination or bias and of the outcomes of such policies or practices. Understandings of the subtleties of discrimination and bias are comparatively recent and all education personnel must devote effort to gaining skills in the recognition and identification of sex discrimination and sex bias, and in the implementation of actions for their elimination. Orientation/information programs, the dissemination of research information, support for research/investigation efforts, and individual reading and study are strategies which may be used for increasing the understanding of education personnel of the sources of bias and discrimination and of their effects.

3. **Change requires the existence of leadership committed to goals for sex equity and change in education and articulating these goals.**

Change requires leaders—persons who have the ability to recognize change needs and to communicate a vision of what the future could be like if these needs were met. Leadership for

change and the attainment of sex equity in education policies, practices, and programs must come from a variety of sources. Members of governance bodies such as boards of trustees must provide policies which can initiate and support efforts for change. Administrators must initiate and support programs which can provide the structure for the attainment of equity. Faculty, student services personnel, and counseling staff must demonstrate equity in the delivery of education services. Students and employees must articulate equity goals and evaluate institutional policies and programs against these goals. Leadership from each of these sources is essential. Ongoing efforts of institutions, professional groups and associations, and student groups to identify, develop, and support programs which can increase activities and actions to eliminate sex discrimination and bias are methods of increasing leadership in this area.

4. Change requires the specification of particular goals for the achievement of equity and the development of models for accomplishing change.

Even when a problem is recognized and general goals for its alleviation are identified, there is little likelihood that change will be achieved until specific, observable change objectives are identified. General goals must be delineated into specific objectives, and the activities which can lead to their attainment must be identified. For example, the general goal of achieving sex equity in the curriculum must be organized into such objectives as identifying bias in particular disciplinary areas, developing course outlines, supporting relevant faculty research, etc. This process is facilitated by the development of specific change models which educators can use in the achievement of sex equity goals. Research, demonstration programs, technical assistance programs, and documentation of change efforts are important strategies for the development and dissemination of change models.

5. Change requires the allocation of human and financial resources.

Change toward implementation of Title IX and the attainment of sex equity in education institutions will not be achieved without some expenditure of human and financial resources. In most instances it is important that both types of expenditures are made. The expenditure of money for programs without the assignment/development of competent staff is not likely to result in significant change. Likewise, the continued assignment of staff responsibilities without the provision of the resources needed to support them in carrying out these responsibilities is not likely to produce change. Documentation of the need for resources, development of program proposals, and assessment of the results of the expenditure of human and financial resources are strategies for increasing the allocation of resources.

6. Change requires that education personnel possess the capability (knowledge and skills) for delivering education equity.

As change goals and objectives are identified, it is important that the new knowledge and skills which will be required by persons responsible for achieving those objectives be recognized, and that efforts which can assist these persons in the attainment of this knowledge and skills be implemented. Activities which can assist education personnel in the development of the necessary knowledge and skill include: attendance at and provision of professional meetings or information/orientation programs; procurement and distribution of relevant materials; maintenance of and support for experimental and innovative programs; and support for relevant faculty or staff research. All institutions must support professional development efforts in this area and reinforce those persons who continue to increase their knowledge and skills if sufficient capability is to be achieved.

7. Change requires the development of a system for the recognition of progress in education programs and the reinforcement of personnel who have made efforts toward Title IX implementation and the attainment of sex equity.

Too often change is expected to occur spontaneously and to maintain itself. It is important to realize that if change is to be maintained it must be recognized and reinforced. Recognition of progress in changing programs, policies, and practices should be an integral part of the operation of education institutions and professional organizations.

Each of these conditions should be present if successful change is to be achieved. Educators planning Title IX implementation efforts should assess the degree to which each of these conditions exists in their own institutions or professional organizations in order to identify change priorities and goals and to determine which strategies should be applied to achieve these goals.

ENFORCING TITLE IX: GRIEVANCE AND COMPLAINT PROCEDURES

Individuals or groups who believe that they have been subjected to discrimination which would be prohibited under Title IX have recourse to two procedures through which they may seek to enforce their rights under Title IX. These are the internal Title IX grievance procedure, which must be maintained by all education agencies and institutions receiving Federal funds, and the Federal administrative complaint process. Each of these procedures offers its users particular advantages and disadvantages.

The internal Title IX grievance procedure

Every education agency or institution receiving Federal financial assistance must adopt and maintain a procedure for the prompt and timely resolution of student and employee allegations of possible Title IX violations. In the absence of any standards for grievance procedures in the Title IX regulation, the structure and effectiveness of these procedures varies widely from agency to agency. (Checklists for the evaluation of the structure and implementation of Title IX grievance procedures are provided elsewhere in this notebook.)

The primary advantage of the grievance procedure to its users is its ready accessibility. It provides an opportunity for problem resolution at the level where the resolution must be implemented (the education agency or institution); it may provide for relatively rapid and inexpensive resolution of the problem; and it provides the education agency or institution with an opportunity to identify and deal with Title IX-related problems without outside intervention.

The weakness of the grievance procedure is that its effectiveness is dependent upon the commitment and good faith efforts of the agency/institution to implement the procedure in an open climate of problem identification and solution. If the procedure is implemented in a manner which suggests resistance on the part of the agency to examine, correct, or redress possible non-compliance with Title IX requirements, it will not function as an effective method of enforcement to the grievant or as a method of problem solving for the agency/institution.

The Federal administrative complaint process

Individuals or groups who believe that they have been discriminated against in a manner prohibited under Title IX (or persons or groups authorized to act on their behalf) may file a complaint with the Office for Civil Rights, Department of Health, Education, and Welfare (OCR/HEW) in Washington, D.C., or in one of 10 regional offices. Complaints must be filed in writing within 180 days after the alleged Title IX violation. This action may be taken after the unsatisfactory use of a local grievance procedure, simultaneously with the filing of a grievance, or without utilization of the local grievance procedure.

A complaint is considered by OCR to be complete when it includes the following information: (a) the name and address of the complainant, (b) those injured by the alleged discrimination, (c) the names and addresses of the injured parties where they number three or fewer persons, (d) the name and address of the institution or individual alleged to have discriminated, (e) the

approximate date(s) on which the alleged discrimination took place, and (f) sufficient background information to permit HEW to commence an investigation.

HEW is currently under a court order (issued pursuant to the case of *Adams v. Mathews*) regarding its handling of complaints. The court order requires OCR to observe the following time-lines in handling complaints: (a) Within 15 days of receiving a complaint, OCR will evaluate it and reply. (b) Within 105 days, OCR will complete its investigation and determine whether there has been a rights violation. (c) If there is a violation, OCR will complete its efforts to achieve compliance by voluntary means within 195 days. (d) If there is a violation and compliance is not achieved voluntarily, OCR will initiate formal enforcement proceedings (which could lead to the suspension or termination of Federal financial assistance and eligibility for such assistance) within 225 days, or refer the case to the Department of Justice for legal proceedings.

At the present time, however, OCR has a large backlog of uninvestigated complaints, and is seeking court approval of procedural revisions regarding the elimination of this backlog. This backlog, and the resultant potential delay in OCR investigation, is one of the greatest weaknesses in the effectiveness of the procedure for the potential complainant.

Although the identity of the person(s) filing a complaint is kept confidential if possible, it is sometimes impossible for OCR to investigate a complaint without the identity of the complainant becoming known. Agencies are prohibited from discriminating against or discharging any student or employee because she/he has made a complaint or assisted with an investigation.

The primary strength of the complaint process for the complainant is that it provides a method for involving the Office for Civil Rights as an outside third party in consideration of the alleged discrimination. Because of the strength of the sanctions possible under the complaint procedure (suspension or termination of Federal funds), many education agencies and institutions find it desirable to negotiate voluntary compliance efforts if discrimination is found.

The weakness of the Federal administrative complaint process for the potential complainant is the amount of time which may be required to obtain a resolution, and the threat of retaliation which is perceived by many potential complainants.

A note on the private right to sue under Title IX

The right of an individual to file private suit to enforce Title IX rights has been the subject of the recent court case *Cannon v. University of Chicago*, 12 EPD 11175 (7th Cir. 1976). The most recent finding in the case at the time of this writing is that no such right is in fact extended to the individual solely by Title IX. (The individual may, however, be able to join a Title IX cause of action with an otherwise valid Constitutional claim.) It was the opinion of the court that the Federal administrative complaint procedure provides the individual adequate recourse in circumstances of possible discrimination. It is anticipated, however, that further action will be brought in the case. Individuals wishing further information on this subject should obtain legal counsel.

OVERCOMING SEX DISCRIMINATION IN VOCATIONAL EDUCATION: PROVISIONS OF THE EDUCATION AMENDMENTS OF 1976

The Federal laws reviewed in earlier pages of this notebook share one characteristic in common: all prohibit discrimination in education programs and institutions. The Title IX regulation outlines a variety of specific prohibitions and requirements for nondiscrimination on the basis of sex in education policies, programs, and practices.

The 1976 Education Amendments contain provisions regarding sex discrimination in vocational education which differ significantly from those of the antidiscrimination laws reviewed earlier. A number of the provisions in the 1976 Amendments move beyond requirements for nondiscrimination to require that State vocational education agencies take active steps to overcome sex stereotyping in the vocational education programs within the State.

These provisions of the Amendments are important to postsecondary educators for two primary reasons:

1. Many institutions of postsecondary education operate vocational education programs which receive State funds. These Amendments establish potential sources of funding for programs which might be implemented both to overcome sex stereotyping and to overcome the effects of past noncompliance with Title IX.
2. The provisions of the Education Amendments which pertain to the overcoming of sex discrimination and sex stereotyping in vocational education suggest a model of the types of programs which might be implemented in any sort of institution (not only those of vocational education) to overcome sex stereotyping and to increase sex equity. All educators may examine these provisions and adapt the activities and programs specified to the planning of sex equity programs in their own institutions or programs.

The provisions of the 1976 Education Amendments which pertain to the overcoming of sex discrimination and sex stereotyping in vocational education will be discussed in the next several pages. This discussion will be organized in the following sections:

- background information on the Education Amendments of 1976
- a summary of the provisions of the Education Amendments of 1976 which relate to the overcoming of sex bias and the attainment of sex equity in vocational education programs
- a comparison of the sex equity provisions of the Education Amendments of 1976 with the nondiscrimination provisions of the regulation to implement Title IX of the Education Amendments of 1972
- a summary of the implications of the sex equity provisions of the Education Amendments of 1976 for local vocational education programs and institutions

BACKGROUND INFORMATION: THE EDUCATION AMENDMENTS OF 1976

The Education Amendments of 1976 (Public Law 94-482) were signed into law on October 12, 1976; they will become effective as of October 1977. Among the statutes modified by these Amendments is the Vocational Education Act of 1963, which authorizes Federal assistance to States for support of vocational education programs. Regulations regarding the implementation of the Education Amendments were published in April of 1977 and, as of September 1, 1977, were awaiting the signature of the Commissioner of Education which will make the regulations effective. The material for this summary was derived from the legislation and from the proposed regulations.

The 1963 Vocational Education Act established a system of "matching" grants to the States for the support of vocational education programs. Federal funds were allocated to States on the basis of certain characteristics of their populations, with the requirement that these funds be matched by the States and expended to support certain categories of programs. The 1976 Amendments make two major changes in the 1963 legislation.

First, they consolidate all the categorical grants established by the 1963 legislation (with the exceptions of those for consumer and homemaking programs and for special programs for the disadvantaged) into a single block grant to States. Eighty percent of this block grant is considered a "basic grant"; the remaining twenty percent is for "program improvement and supportive services." Within each of these two subcategories a number of specific alternatives for which States may expend these funds are delineated.

Second, the Amendments require the modification of the planning process which States must implement related to their use of Federal funds. One major modification requires the involvement of a wider variety of groups in the planning process.

One of the major priorities of that portion of the Amendments which pertains to vocational education is the overcoming of sex discrimination and sex stereotyping in vocational education. Provisions related to the overcoming of discrimination and bias are incorporated within each of the three major sections dealing with vocational education programs; they are included in the:

- requirements for the administration of State vocational education programs
- provisions governing State use of Federal vocational education funds
- requirements for national vocational education programs

The provisions of the 1976 Amendments apply directly only to Federal and State programs, but they establish priorities and programs which affect the design and implementation of local vocational education programs.

THE EDUCATION AMENDMENTS OF 1976: A SUMMARY OF THE PROVISIONS RELATED TO SEX EQUITY IN VOCATIONAL EDUCATION

Provisions of the 1976 Amendments which relate to sex equity in vocational education are organized within three major categories:

- requirements for administration of State vocational education programs
- provisions governing State use of vocational education funds
- requirements for national vocational education programs

Relevant provisions in each of these categories will be summarized in this section.

Requirements for Administration of State Vocational Education Programs

There are five major administrative requirements for State vocational education programs which are related to the overcoming of sex discrimination and sex stereotyping in vocational education. They include:

1. Designating full-time personnel to eliminate sex bias and discrimination in vocational education programs

All States which receive Federal vocational education monies must designate personnel to work full time with the State board of vocational education in:

- "furnishing equal educational opportunities in vocational education programs to persons of both sexes; and
- eliminating sex discrimination and sex stereotyping from all vocational education programs."

The functions of the person or persons designated include:

- taking actions to create awareness of programs and activities in vocational education designed to reduce sex stereotyping in vocational education
- gathering and disseminating data on the status of women and men students and employees in vocational education programs in the State
- reviewing the distribution of vocational education grants made by the State to ensure that the needs of women are addressed in all projects funded
- reviewing all vocational education programs in the State for sex bias
- monitoring the implementation of laws prohibiting sex discrimination in employment within State vocational education programs
- developing and supporting actions to correct problems identified in the process of these data-gathering, reviewing, and monitoring activities
- assisting local education agencies and other interested groups in the State in improving vocational education opportunities for women
- making available the information developed to the general public and to specified State and Federal agencies
- reviewing the State's five-year plan and submitting recommendations related to overcoming of sex bias and sex discrimination in vocational education

All States are required to reserve at least \$50,000 from their basic grant funds to support the personnel working to carry out these functions.

2. Representing women's concerns on the State advisory council for vocational education

All States are required to include on their advisory councils for vocational education representatives who are "women with backgrounds and experiences in employment and training programs, and who are knowledgeable with respect to the special experiences and problems of sex discrimination in job training and employment, and of sex stereotyping in vocational education, including one or more persons who are members of minority groups having special knowledge of the problems of discrimination in job training and employment against women in minority groups." It is the function of the State advisory council on vocational education to

- advise the State board with responsibility for the administration of vocational education programs regarding policy matters in the approved five-year State plan
- assist the State board in the development of plans for State board evaluations
- evaluate vocational education programs, services, and activities according to annual program plans, to publish these evaluations, and to submit evaluation reports through the State board to the Federal government
- identify the vocational education, employment, and training needs of the State and to assess the extent to which vocational education and related programs represent a consistent and coordinated approach to meeting these needs
- provide technical assistance for the establishment and operation of local vocational education advisory councils

3. Including policies to eradicate sex discrimination in State five-year plans for vocational education

Each State must include in its five-year plan for vocational education a detailed description of the policies it will follow to ensure equal access to vocational education programs by both women and men. Each description must include a statement of actions which will be taken to overcome sex discrimination and sex stereotyping in all State and local vocational education programs and of incentives adopted by the State for local education agencies and institutions of vocational education to encourage enrollment by students in courses which are not traditional for their sex and to develop model programs to reduce sex stereotyping in all occupations.

The State plan must also set forth a program to meet the needs of homemakers who must seek employment after separation or divorce, single heads of households who lack adequate job skills, and persons who wish to seek employment in areas which are nontraditional for their sex.

4. Reviewing annual program plans for compliance with State policies regarding eradication of sex discrimination

Every State must, in its annual program plan, provide information regarding the compliance of this plan with the provisions of the five-year plan related to the provision of equal access to vocational education programs by women and men.

In addition, each State must provide assurances that the person designated responsible for ensuring equal access by men and women to vocational education in the State has been provided an opportunity to review the plan before it is submitted to the Federal government for approval.

5. Evaluating vocational education programs for service to women

Each State board of vocational education is required, during the five-year period of the State plan, to evaluate each vocational education program or project supported by Federal, State, and local funds. Among the items to be evaluated are those services provided to women as one of several special populations.

Provisions Governing State Use of Vocational Education Funds

The provisions of the Education Amendments covering State use of Federal funds for local vocational education programs distinguish between these areas in which States are required to expend funds and those areas where States may elect to expend funds.

From their basic grants for vocational education programs, States *must* expend funds for the following category of services:

- **Vocational education programs for displaced homemakers**

States *must* use funds under their basic grants, in accordance with approved five-year and annual program plans, to provide vocational education services for:

- persons who have been homemakers but who are seeking employment as a result of separation or divorce
- single heads of households who lack adequate job skills
- persons (female or male) who are in jobs which have been traditionally considered appropriate for their sex and who wish to seek jobs in areas which have not been traditionally considered appropriate for persons of their sex

These programs must include three components:

- organized education programs to prepare persons in these special groups for employment
- special courses preparing these persons in ways to seek employment
- placement services for graduates of these special programs

States *may* use basic grant funds for the following services:

- **Support services for women**

States may use funds under their basic grants to provide support services for women entering vocational education programs designed to prepare persons for jobs which have been traditionally limited to men. Among the services which might be provided (when included in an approved five-year or annual program plan) are:

- Counseling**—counseling women entering or enrolled in nontraditional programs on the nature of the programs and the difficulties which may be encountered by women; furnishing supportive services to assist students in adjusting to the new employment requirements
- Job development**—providing materials and information to women in nontraditional programs regarding the opportunities to visit workplaces to observe work and work settings in jobs in nontraditional fields; bringing persons employed in fields which are not traditional for women into the schools to provide women students with information regarding the nature of work in these fields
- Job follow-up support**—assisting women students in finding employment relevant to their training and interests; assisting students in the work force to deal with barriers experienced by women working in nontraditional areas
- Increasing the number of women instructors in nontraditional fields**—increasing the number of women instructors working in programs which have traditionally enrolled predominantly males, in order to provide supportive examples to women who are preparing for jobs related to these nontraditional programs

- **Day care services for children of students**

States may also use funds under their basic grants (when this use is specified in approved five-year and annual program plans) to provide day care services for students, including both females and males and single parents, in secondary and postsecondary vocational education programs.

With the program improvement and supportive services funds of their block grant, States may support the following services:

- **Programs to overcome sex stereotyping**

States may use Federal funds allocated for program improvement activities to support programs which are directed toward overcoming sex stereotyping in vocational education. Programs related to sex stereotyping may be funded in any of the three basic categories of program improvement services:

- Research**—funds may be used for developing new curriculum materials or reviewing and revising curricula to eliminate stereotypes based on sex, race, or national origin
- Exemplary and innovative programs**—States must give priority in the awarding of funds for exemplary and innovative projects to those which are designed to reduce sex stereotyping in vocational education
- Curriculum development**—funds may be used for the development and dissemination of curriculum, guidance, and testing materials designed to overcome sex bias in education programs; and for support services to assist teachers in meeting the needs of students enrolled in vocational education programs which have been traditionally limited to members of the opposite sex

- **Vocational guidance and counseling**

Funds made available to States for program improvement and support services may be used to support several vocational guidance activities which can provide supportive services to women or contribute to the eradication of sex stereotyping in vocational education. Among these programs which may be funded are:

- vocational resource centers designed to meet the vocational guidance and counseling needs of special populations, including persons entering or reentering the job market late in life (a significant proportion of these persons are likely to be women)
- training programs which are designed to provide counseling and guidance personnel with information regarding
 - the changing work patterns of women
 - ways of overcoming occupational sex stereotyping
 - ways of assisting girls and women in selecting careers solely on the basis of of their occupational needs and interests

- **Vocational education personnel training**

Funds made available to the States for program improvement and supportive services may be used for inservice training to assist vocational education teachers and other staff to overcome sex bias in vocational education programs.

- **Grants to overcome sex bias**

States may use funds allocated for program improvement and supportive services to award grants to projects designed to overcome sex bias in vocational education. Awards are to be made in accordance with approved five-year and annual program plans; they may be made to support such projects as:

- research on ways to overcome sex bias and sex stereotyping in vocational education
- development of curriculum materials free of sex stereotyping
- development of criteria for the review of curriculum materials for sex stereotyping
- examination of existing curriculum materials for sex stereotyping
- training to assist counselors, administrators, and teachers in ways of overcoming sex bias and assisting girls and women in selecting careers

States *must* use funds allotted to them in separate authorization for the following:

- **Consumer and homemaking education**

States *must* use funds allocated for programs of consumer and homemaking education to support programs which:

- encourage both females and males to prepare for combining the roles of homemakers and wage earners
- encourage the elimination of sex stereotyping by promoting the development of curriculum materials which deal with
 - increased numbers of women working outside the home
 - increased numbers of men assuming homemaking responsibilities
 - changing career patterns of men and women
 - Federal and State laws relating to equal education and employment opportunities
- prepare females and males who have entered or are preparing to enter into the work of the home

Requirements for National Vocational Education Programs

The last set of provisions of the Amendments relating to overcoming sex bias in vocational education pertain to national vocational education programs.

These provisions specify that:

- a national study of sex bias in vocational education will be conducted by the Commissioner of Education and submitted to Congress by October 1978
- a system for reporting information, including race and sex, of vocational education students must be in operation by October 1977. All States will be responsible for submitting relevant data for this system on a yearly basis.
- the National Advisory Council on Vocational Education must include in its membership minority and nonminority females and males with knowledge of women's issues and concerns
- five percent of the funds appropriated for Federal vocational education programs are reserved for use by the Commissioner of Education for programs of national significance, some of which can be programs to overcome sex bias in vocational education

COMPARISON OF THE 1976 EDUCATION AMENDMENTS AND TITLE IX

The provisions of the Education Amendments of 1976 which pertain to sex discrimination and sex bias are similar to the requirements of Title IX (Education Amendments of 1972) in basic intent: both are directed at ensuring that equal opportunities are provided to females and males in vocational education programs. There are, however, several significant differences between Title IX and the Amendments:

- Title IX addresses the issue of sex discrimination in education programs; it generally requires that persons may not be excluded from, denied participation in, or be treated differently in education programs. The Education Amendments not only address sex discrimination, which is defined as "any action which limits or denies a person or a group

of persons opportunities, privileges, roles, or rewards on the basis of their sex," but also sex bias, or "behavior resulting from the assumption that one sex is superior to the other," and sex stereotyping, or "attributing behaviors, abilities, interests, values, and roles to a person or group of persons on the basis of their sex."

- The Title IX regulation applies directly to local education agencies and institutions; the Education Amendments of 1976 apply directly only to State and Federal vocational education programs. They affect local vocational education programs and institutions indirectly through their specification of priorities and procedures for State use of Federal vocational education monies, which in turn affect State funding of various local vocational education programs and institutions.
- Title IX specifies a variety of forms of discrimination in education policies, programs, or practices which are prohibited. Those which apply to vocational education include prohibitions of discrimination on the basis of sex in admissions, access to courses, facilities, treatment of students, course completion and graduation requirements, student employment, marital or parental status, and employment of education personnel. The Education Amendments of 1976 complement the specific prohibitions of sex discrimination which are established by the Title IX regulation with a mandate for the development of programs to overcome sex bias, stereotyping, and discrimination in vocational education and an authorization to States to use Federal monies for this purpose.

PROVISIONS OF THE EDUCATION AMENDMENTS OF 1976 RELATED TO SEX EQUITY IN VOCATIONAL EDUCATION: THEIR IMPLICATIONS FOR LOCAL VOCATIONAL EDUCATION PERSONNEL

Although the provisions of the Education Amendments of 1976 related to sex equity in vocational education apply directly only to programs at the Federal and State levels, they establish administrative procedures, program mandates, and funding options which are likely to have significant implications for local vocational education programs. Possible implications for local vocational education programs may be identified within each of the three major categories of provisions:

- requirements for the administration of State vocational education programs
- provisions governing State use of Federal vocational education funds
- requirements for national vocational education programs

Each of these will be discussed briefly below.

Requirements for Administration of State Vocational Education Programs

The requirements for the overcoming of sex bias in and through State administration of vocational education programs have several possible implications for local vocational education programs and personnel.

- States are required by the Amendments to develop incentives which will encourage local agencies and institutions to:
 - promote enrollment by students in courses and programs
 - develop model programs to reduce sex stereotyping

Local agencies and institutions are likely to find their programs and funding options influenced by such incentives. Further, the State sex bias coordinators are required by the Amendments to review all vocational education grants made by the State to ensure that the needs of women are addressed. This requirement should be kept in mind by agencies and institutions seeking grants.

- State personnel with specific responsibilities relating to overcoming sex bias and discrimination in vocational education programs (in many States, these persons are referred to as "sex bias coordinators") should be able to provide technical assistance services to local vocational education personnel. Technical assistance might be provided in such areas as:
 - data gathering regarding enrollments of females and males
 - resource identification for sex equity programs and efforts
 - development/identification of model programs
 - interpretation of Federal and State nondiscrimination laws relevant to vocational education
 - inservice training related to sex equity in vocational education
- Although neither the Amendments themselves nor the proposed regulations include provisions directly applicable to local education agencies or institutions, agencies and institutions may want to model their administration of vocational education programs in accordance with sex equity requirements established for States. Local agencies and institutions can:
 - establish goals and objectives for overcoming sex bias and discrimination in vocational education policies, programs, and practices
 - assign specific personnel the responsibility for assuring that vocational education programs provide equal opportunities for females and males
 - ensure representation of minority and nonminority females and males with a knowledge of women's issues and concerns on the local vocational advisory council
 - develop a plan to evaluate vocational education programs for compliance with Federal nondiscrimination legislation and for their provision of sex equity for males and females

Provisions Governing State Use of Vocational Education Funds

The implications of the Amendments for local vocational education personnel may be most direct in those provisions which govern State use of vocational education funds. Decisions made by the States regarding use of Federal funds for vocational education programs (decisions which must be reflected in the States' five-year and annual program plans) will shape funding and program opportunities for local agencies and institutions. Vocational educators should therefore have a knowledge of the following:

- provisions of their State's five-year plan for vocational education, including those related to the overcoming of bias and discrimination
- provisions of the current local plan for vocational education, including those related to overcoming sex bias and discrimination
- the manifestation or sources of sex bias and discrimination in their local vocational program

With this information, local personnel can evaluate their institutional needs and priorities in light of State funding priorities in order to determine next steps for program development related to sex equity and to identify future funding opportunities for such programs.

Requirements for National Vocational Education Programs

Possible local implications of the Amendments' requirements for national vocational education programs include the following:

- Local vocational education personnel will need to review their procedures for collecting data on vocational education students, including data on their race and sex, to ensure that they are consistent with those prescribed by their State in accordance with the national system of data collection.
- The national study on sex bias in vocational education will be forthcoming in October 1978. The Office of Education has also made grants or awarded contracts for development of a variety of materials related to sex bias and discrimination in vocational education. Local personnel should remain informed concerning the availability of these various materials and obtain them for local use.
- Local agencies and institutions can obtain funds for exemplary programs of national significance which focus on eliminating sex bias and discrimination in vocational education directly from the Commissioner of Education. Personnel interested in such programs should review the procedural requirements specified in the regulation to implement the Amendments.

GENERIC SESSION WORKSHEETS

**IMPLEMENTING TITLE IX AND
ATTAINING SEX EQUITY:
THE CONTEXT OF TITLE IX**

GENERIC SESSION ONE

WORKSHEETS

**IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY IN EDUCATION—
AN INTRODUCTORY ASSESSMENT**

Worksheet 1

Think about the policies, practices, and programs of the education institution in which you work and the behavior of administrators, faculty, and staff members.

1. List as many examples as you can identify of differential opportunity or treatment of female and male students, administrators, faculty, and/or staff.

2. What efforts have been made to eliminate sex differentiation and increase sex equity in opportunity or treatment of students, administrators, faculty, and/or staff?

3. What, in your opinion, has been the significance or contribution of Title IX in eliminating differential opportunities and treatment of female and male students? Of female and male administrators, faculty, and/or staff?

4. What, in your opinion, are the steps which should be taken in the future to facilitate Title IX implementation and the achievement of sex equity in your institution?

IDENTIFYING DISCRIMINATION—CASE EXAMPLES

Worksheet 2

Please read through each of the examples below to determine the possible areas of discrimination or probable violations of Federal law or executive order. Make a note of the law(s) or order you believe is relevant to each example in the space provided.

Background Information

State University is responsible for the education of 18,000 students, 6,000 of which are enrolled in professional or graduate programs of study. The student population consists of approximately eight percent Black students, two percent Hispanic students, one and one-half percent Asian students and one-half of one percent Native American students. Sixty percent of the students are male and forty percent are female. The majority of the minority students are concentrated in the fields of allied medical sciences, sociology, social work, and education.

The part-time and full-time faculty, administrators, and counselors number nearly 2,000 persons; 800 of this group are in tenured positions, 600 are on career ladders leading to tenure, and 600 are noncareer ladder part-time and full-time faculty and staff. Although nearly 20 percent of the total faculty and staff is female (400), only 16 women hold tenured positions. Six Black males in the social work and education departments are tenured, while the remaining 45 minority group faculty are nontenured. Two Hispanic males employed in the Latin American studies department have taught in the University for five years and are nontenured. The Medical School has no tenured female faculty and two Asian American males who are tenured. The Law School has one tenured Black male professor and one white female tenured professor.

The University currently receives a total of \$2 million in grants and contracts from the Federal government and receives funds under the Public Health Service Act.

Example 1

Ms. Terry and Mr. Greenberg have taught in the English department since September, 1973. Both have completed all course work for the doctoral degree and are in the process of completing their doctoral dissertations. Ms. Terry teaches three sections of Freshman Composition and one section of Renaissance Literature, while Mr. Greenberg teaches Medieval Literature, Shakespeare, and one section of Freshman Composition. Ms. Terry was initially hired at a salary of \$9,800 and has received increases of \$200 each year. Mr. Greenberg was hired at a salary of \$10,000 and has been given subsequent increases of \$500 each year. Ms. Terry and Mr. Greenberg received comparable performance ratings from students and colleagues.

Relevant law(s):

Example 2

State University has a placement service for students at all levels—undergraduate students, graduating seniors and students of graduate schools. Although both men and women participate in all the divisions and schools of State University, the placement service maintains separate job listings for men and women and for members of racial-ethnic minority groups because some of the participating employers have stated that they will not accept referrals of students of a particular sex or ethnic group.

Mr. Brown, a Black male, ten credits short of a degree in business, was not informed of summer openings in his field and was referred to several camp counseling jobs. Mr. Smith, a white classmate in the business department, obtained a summer position in an accounting firm on referral from the placement service.

Relevant law(s):

Example 3

Ms. Temple, a Black female, will receive her B.A. degree in art history from State University next June. Despite an exemplary academic record, she was not informed of scholarship opportunities for overseas study. When the selection of students receiving scholarships for overseas study was announced by the University, the group consisted of four white males and two white females, all of whom had been notified of the opportunity by the chair of the art history department.

Relevant law(s):

Example 4

State University requires all unmarried female undergraduate students to live in university residence halls on campus. The space for such students is limited, so a cut-off of applications of female unmarried students is made when the residence halls have been filled. No similar cut-off for male admissions is necessary since unmarried males may live in off-campus housing.

Relevant law(s):

Example 5

When the Black Students Alliance was formed nine years ago, the University provided the 79-student organization a meeting room in the basement of an old classroom building. The Alliance now has a membership of 543. Eight months ago, an astrological organization was formed. The Students for Psychical Astrology, which has a registered membership of 131, was provided semi-permanent headquarters in four rooms of the newly-constructed student activities complex.

All of the other student groups, composed primarily of white students, have been provided similar semi-permanent headquarters. The Black Students Alliance, composed primarily of Black students, has not yet been offered similar semi-permanent headquarters.

Relevant law(s):

Example 6

Comprehensive medical insurance is provided for faculty and students of State University. Gynecological care for female faculty and students is exempted from coverage under this insurance although no exemptions are made in the coverage of male faculty and students.

Relevant law(s):

Example 7

The competitive sports program for women at State University has traditionally been limited to participation in competitive basketball and volleyball. Although intercollegiate and intramural

teams are provided for women in these sports, the program can serve only a limited number of interested female students. Further, these women's teams are not provided support equal to that provided for men's teams. Female students must provide their own uniforms and pay their own expenses during travel to games.

Recently a new fieldhouse was completed. The new facilities include a pool which will be used by the men's varsity swimming team. The University Athletic Department has made plans to provide a women's swimming team which will use the old, nonregulation size pool that has been abandoned.

Relevant law(s):

Example 8

Ms. Valdez has completed three years of teaching in the School of Education. After two and one-half years, she applied and was considered for tenure. She received notification that tenure was denied because she had recently married Mr. Cruz, who already held a tenured position within the University. It is a regular practice of faculty committees within the University to deny tenure to female faculty on grounds of nepotism, although no such denial is required by University personnel policies.

Relevant law(s):

Example 9

Some three years ago, Mr. LaBelle, a Black male, was approached about accepting the position of affirmative action officer for the University. It was suggested that if he performed well in this job, it would increase his chances of obtaining a central administrative position in the University. Mr. LaBelle accepted the offer; he has worked hard in his position as affirmative action officer and has received commendations for his performance.

During the past year Mr. LaBelle has applied for other central administrative jobs when openings were available. Each time he has been interviewed and told that his fine qualifications have been recognized, but that it is not possible to promote him to another job right now since the affirmative action position requires a minority staff person to give it credibility.

Relevant law(s):

Example 10

Dr. Como, a faculty member in the School of Allied Health Professions, has an M.D. degree and several years of teaching experience working directly with students enrolled in dental technician programs. Although she has worked as a colleague with Dr. Epstein since he joined the faculty two years after her arrival, she finds that she is being paid \$4,000 less salary despite the fact that they occupy equivalent positions. It is also clear that Dr. Epstein has been encouraged to develop proposals for the funding of additional projects, while she has struggled for a year to gain approval of the School to apply for outside funding.

Relevant law(s):

NONSEXIST INSTITUTIONS—HOW WOULD THEY LOOK?

Worksheet 3

Listed below are a number of the areas in which sex discrimination and sex bias are manifest in institutions of postsecondary education. Under each, write the characteristics of the area as it might exist if it were free from sex discrimination and sex bias.

I. Institutional policies and practices related to student participation

—admissions and policies practices

—financial aid policies and practices

—policies regarding student residence and enrollment

—others

II. Student programs

—counseling services

—health services

—special services/programs

—athletics

—others

III. The content of the curriculum/research and academic disciplines

IV. The status of women in postsecondary education employment

V. Other

TITLE IX: THE REGULATION AND THE GRIEVANCE PROCESS

GENERIC SESSION TWO

WORKSHEETS

SAMPLE GRIEVANCE PROCEDURE A

Worksheet 4

UNIVERSITY GRIEVANCE PROCEDURES

All attempts should be made to resolve grievances at the lowest level possible.

Faculty Procedure	Administrative Staff Procedure	Civil Service Staff Procedure
Consult with Department Chairperson _____ _____ Dean _____ _____ Executive Vice President & Provost: Dr. J.W. Faulkner 106 Administration Building President, Dr. V. Woolf 101 Administration Building The faculty ombudsman may be consulted at any time.	1. Consult with Supervisor 2. Submit written grievance to Supervisor 3. Department Chairperson _____ _____ 4. Director, Personnel Administration and Employee Relations 5. Impartial Advisory Arbitration	1. Consult with Supervisor 2. Submit written grievance to Supervisor 3. Unit Director _____ 4. Department Chairperson _____ 5. Director of Non-Academic Personnel 6. Impartial Advisory Arbitration
Student Academic Procedure	Student Employee Procedure	Graduate Assistant Procedure
Consult with Instructor or Advisor _____ Department Chairperson _____ _____ Dean of College	1. Consult with Supervisor 2. Unit Director _____ 3. Department Chairperson _____ 4. Office of Student Employment 5. Vice President _____	1. Consult with Departmental Graduate Studies Committee _____ 2. Department Chairperson & Executive Committee _____ 3. Dean of the Graduate School _____ 4. Vice President for Graduate Studies & Research The faculty ombudsman may be consulted at any time.
All students may at any time consult the STUDENT OMBUDSMAN, 273 Library.		

UNIVERSITY GRIEVANCE PROCEDURES

INSTRUCTIONS

1. Names and Office Numbers

Fill in as many of the blanks as are applicable to your department or office.

Example:

Consult with Department
Chairperson Dr. C. Bronte

320 Sabin

2. Additional Steps

If your department has additional steps to the Faculty Procedure or Student Academic Procedure, write them in the spaces provided and number all the steps.

Example:

Student Academic Procedure

1. Consult with Instructor or Advisor
2. Consult Department Grievance Committee
3. Department Chairperson

Dr. C. Bronte

320 Sabin

4. Dean of College

3. Post

Please display this poster in an accessible area and notify your students, faculty, and staff of its presence.

SAMPLE GRIEVANCE PROCEDURE B

Worksheet 5

AFFIRMATIVE ACTION GRIEVANCE PROCEDURES

The successful achievement of affirmative action goals will require good faith and wholehearted efforts of the entire University community. It is recognized nonetheless that a procedure is needed for handling complaints of individuals who feel they are being discriminated against in violation of University policy. The following procedure has been devised to provide assistance and guidance for dealing with complaints of alleged discrimination.

Prohibition of Harassment: No person shall be subjected to discharge, suspension, discipline, harassment, or any form of discrimination for having utilized or having assisted others in the utilization of the grievance process.

I. INITIAL STAGES

- A. Any persons claiming to be aggrieved by unlawful employment practice or any other alleged discriminatory practice at the University may contact the Office of Affirmative Action.
 - 1. Any persons or organization in the University community, acting on their own behalf or on behalf of any aggrieved individual, may bring a complaint.
 - 2. A complaint may also be brought by a person outside the University community if the alleged offense occurred to the person with regard to application for admission as a student, to inquiry or application for employment, or to any other official action by a member of the University community.
- B. The person alleging that discrimination has occurred (hereinafter referred to as complainant) will discuss the charges with a Mediation Facilitator (hereinafter Mediator). This preliminary discussion will serve to inform the Office of Affirmative Action of all relevant information about the complainant and the complaint.
- C. After the preliminary discussion with the complainant the Mediator will determine the disposition of the complaint. Each complaint, in order to be pursued by the Office of Affirmative Action, must meet the following criteria:
 - 1. The complaint arguably involves discrimination on the basis of race, sex, national origin, religion, alienage, veteran status, disability, or age.
 - 2. That an injury has occurred and is not anticipated.
 - 3. That the complaint is not frivolous.
- D. If any one of the above criteria is not met, the grievance will not be processed through the Affirmative Action Complaint Procedure. Any complaint meeting these criteria may be processed through any step of the procedure. The Mediator will, in any event, advise

the complainant of any known appropriate alternative grievance procedures within five working days from the date the complaint was filed. If the complaint is within Affirmative Action jurisdiction, the Mediator and the complainant will determine whether the case would be more appropriately handled through mediation or a formal hearing. Complaints which seem to be valid but do not meet criteria #1 or #2 should be referred to the Office of the University Ombudsman.

- E. The complainant may request that his or her identity remain confidential during this stage of the complaint procedure. In every case efforts shall be made to maintain confidentiality beyond persons immediately involved with the complaint. Complainants should be informed by the Mediator that if the complaint proceeds to a hearing, disclosure of identity is necessary.

II. INVESTIGATION

If the complaint is under Affirmative Action jurisdiction, meets the preceding criteria, and the complainant chooses mediation, the Mediator will conduct an impartial investigation of the alleged discrimination.

- A. The investigation will consist of defining positions of the complainant and the respondent in order to identify and determine the source of conflict.
- B. The Mediator will, within a time limit agreeable to the complainant, contact the respondent in order to describe the nature of the complaint and request information on the respondent's position. The respondent will be informed of a reasonable deadline determined by the Mediator. The respondent should furnish any requested materials relevant to the case. The Mediator may grant an extension of the time limit not to exceed ten (10) working days. During the initial stage the respondent will be informed that failure to comply with the request by the agreed upon deadline will be considered as a general denial and the complaint may proceed to the formal hearing stage.

Confidential materials which are made available to the Mediator will not be available to the complainant unless provisions are made with the department releasing such materials. The Mediator may discuss the general nature of such materials with the complainant in order to determine the disposition of the complaint.

- C. If it appears that the cause of the complaint may be easily removed by obtaining information or by making simple inquiries, and if such a procedure is agreeable to the complainant, the Mediator will attempt such actions as can be accomplished within ten (10) working days.

III. MEDIATION

If both parties have not agreed to a mediation timetable within ten (10) working days or if the complainant chooses an immediate formal hearing, the complaint shall be considered not subject to mediation. The complaint may proceed directly to the hearing stage.

If the complainant is satisfied by answers gained through an inquiry, the complaint is settled. If the complainant is not satisfied and chooses to proceed with mediation, the Mediator will seek areas of flexibility from both parties and attempt to reach a resolution which is agreeable to both parties. The Mediator will not act as an advocate for either party, but will attempt to find an agreement which can be implemented to the satisfaction of both parties. Communication with the complainant and respondent should indicate this goal.

IV. FORMAL HEARING STAGE

If no mutual agreement can be reached through mediation or if the complainant chooses an immediate formal hearing, the Mediator will advise the complainant of formal complaint proceedings through the Board. The complainant will sign a formal complaint form which stipulates the circumstances and charges of the complaint, and will be given a list of members of the Board. The Mediator shall send the respondent a copy of the complaint, a list of the members of the Board, a copy of the complaint procedure, and a notice that further communication concerning the complaint will be received from and should be made to the Chairperson of the Board.

A. APPOINTMENT AND MEMBERSHIP OF THE DISCRIMINATION HEARING BOARD.

The members of the Board will be selected at large from the University Community by the Executive Vice Chancellor in consultation with the Chairperson of the Affirmative Action Board and the Director of Affirmative Action. The Board will be composed of three faculty, three administrators, three students (at least one student will represent graduate students and one will represent undergraduate students), and three Civil Service personnel. No less than three members of the Board will be minorities and no less than three will be women. The members will serve on the Board for three years with four members (one faculty, one administrator, one student, and one Civil Service employee) being selected each year. The first year members of the Board will elect by majority vote a chairperson and a vice chairperson to serve in such capacity for one year. At the beginning of each academic year the vice chairperson will succeed the chairperson, at which time a new vice chairperson will be elected. If the previous year's vice chairperson is unable to serve as chairperson, the members of the Board shall elect a chairperson from the members with less than one year's service on the Board.

B. SERVICE. The 12 members of the Board shall, at the beginning of the fall semester, attend an informational seminar which will be sponsored by the Offices of Affirmative Action and University Counsel. This seminar will inform the Board members of regulations, policies, and procedures, including those at University, State, and Federal levels which are relevant to discrimination and equal opportunity, and will inform the Board members of the authority and responsibility of the Board.

C. DISCRIMINATION HEARING EXAMINERS. For each complaint an individual hearing body, referred to as Discrimination Hearing Examiners (hereinafter Examiners) shall be designated from the Board. The Examiners shall be composed of three members, selected in the following manner. The complainant and the respondent will receive a list of members of the Board who are not involved in an ongoing complaint. This list will include the status as a member of an affected class, age, University classification, and telephone number of each member. The parties will each select one Board member to hear the complaint and will submit the name to the Chairperson of the Board within five working days of notification of the complaint. The Chairperson shall also select one member of the Board to act as coordinator of the Examiners. If both complainant and respondent select the same person to serve as an Examiner, that person shall be made coordinator of the Examiners and each party will be allowed another selection for the Examiners.

D. CONFIDENTIALITY. The Examiners will adhere to strict confidentiality. Cases before the Board will not be revealed to anyone outside the Examiners except appropriate persons in the Office of Affirmative Action. Details of complaints will not be discussed during general sessions of the Board. However, the nature of complaints may be shared during the selection of the Examiners. Members of the Board will hold monthly meetings, as necessary, with the Mediators to discuss general development of grievances.

E. PROCEDURES

1. Parties may choose a representative or may represent themselves at the hearing. The representatives may be chosen from a pool of persons who have volunteered at the beginning of the academic year to represent either party in any affirmative action grievance proceeding. A list of volunteers will be compiled by the Office of Affirmative Action at the beginning of each academic year.
 2. Under normal circumstances, neither party would expect to have legal counsel present during these informal proceedings. However, if either party feels the need to have legal counsel present, it is recognized that the other party should then also have access to legal counsel if he or she chooses to do so.
 3. Once a complaint has become formal, it will be the responsibility of the Office of Affirmative Action to act as monitor and advisor for the formal hearings. These offices will inform the Examiners of specific guidelines for maintaining communication with the Offices of Affirmative Action and the University General Counsel, the complainant and the respondent, and for following a timetable during the hearing.
 4. The Mediator will, within 5 working days of the formal complaint, provide the chairperson of the Board with relevant materials concerning the complaint which will include the complaint form, a summary of the complaint, and other appropriate materials. Correspondence initiated for the purpose of mediation by the Mediator, the complainant, or the respondent will not be provided without agreement of both parties.
 5. PRE-HEARING CONFERENCE. Upon selection of the Examiners, the Chairperson of the Board will notify the complainant and respondent of the names of the Examiners and identify the coordinator. The coordinator of the Examiners will set a date for a pre-hearing conference within 10 working days of his or her selection. This conference shall include the coordinator, the complainant, and the respondent. The pre-hearing conference will provide an opportunity for the Examiners and each party to simplify the issues, determine necessary or unnecessary documentation or witnesses needed for the hearing, and consider other matters that may expedite the hearing. The date of the hearing will be set at this time.
 6. HEARING. The date of the hearing will not be more than 10 working days from the date of the pre-hearing conference unless otherwise agreed by the complainant and respondent during the pre-hearing conference. The Examiners will maintain records of the hearing which will be kept in the confidential file in the Office of Affirmative Action when the complaint is closed.
- F. RESPONSIBILITIES AND AUTHORITY. The Examiners will have the responsibility of determining appropriate procedures for the hearing, hearing charges of discrimination made by a complainant, hearing the argument of the respondent, and determining whether probable cause exists to believe the allegation of discrimination. The hearing of a complaint may include an investigation of matters relevant to the complaint which were not introduced by the complainant or respondent at the pre-hearing conference, but may not include correspondence initiated by the Mediator to mediate a complaint. Investigative authority will include:

1. Authority to procure tangible evidence including confidential departmental records which have relevance to the complaint and which have not been introduced at the pre-hearing conference.
2. Authority to request attendance of witnesses whose testimony may be pertinent to the complaint and whose statement or testimony was not introduced by the complainant or respondent.
3. Authority to request the appropriate vice chancellor to hold up the appointment of a position which is disputed in a complaint until such time as the complaint is settled, this time not to exceed fifteen days.

After hearing both sides of a complaint, including supporting testimony, the Examiners will make a finding as to probable cause. The Examiners will confer with the Executive Vice Chancellor and the Director of Affirmative Action in order to discuss the finding and possible recommendations. Final directives will come from the Chancellor or designate and will be issued to the complainant and/or the respondent for resolution of the grievance. Directives will be issued not later than 15 working days from the first day of the hearing. The directed parties will demonstrate to the Executive Vice Chancellor and the Director of Affirmative Action by the specified time limit that compliance with the directive has occurred.

If after the formal hearing either party is not satisfied with the directed resolution, they retain access to the Office of Affirmative Action and/or the Office of the University Counsel for advice on further alternatives.

- G. APPEAL OF EXAMINERS' FINDING. Notice of intent to appeal Examiners' decision should be provided to all parties within five working days of the finding. In the absence of such notification, the Executive Vice Chancellor shall proceed to select and direct any appropriate remedy.

CHECKLIST FOR EVALUATING THE CONTENT OF GRIEVANCE PROCEDURES

Worksheet 6

Listed below are questions which may be used to evaluate the content of Title IX grievance procedures and determine possible needs for modification. Questions are organized into three sections: initiation and filing of the grievance, processing of the grievance, and basic procedural rights. Remember that these questions do *not* reflect Title IX requirements; they reflect, instead, general principles of grievance processing. A "No" answer does *not* indicate a violation of Title IX but it may indicate an area where further specification is desirable.

Initiation and filing of grievances

Does the grievance procedure:

1. Provide clear and adequate definitions of who may grieve, of what issues may be covered by grievances, and of the terms used throughout the procedure? Yes ☐ No ☐
2. Cover all students and employees? Yes ☐ No ☐
3. Clearly state the form and procedure for filing of grievances? Yes ☐ No ☐
4. Specify any applicable time limits for the initiation of a grievance? Yes ☐ No ☐
5. Provide for assistance to grievants in the filing/preparation/processing of a grievance? Yes ☐ No ☐
6. Specify the responsibilities of staff for the receipt and initial handling of grievances? Yes ☐ No ☐
7. Provide methods for informal and prompt resolution of grievances when further processing is not needed? Yes ☐ No ☐

Processing of grievances

Does the grievance procedure:

1. State the number and levels of steps for grievance processing and the criteria for initial referral to each level? Yes ☐ No ☐
2. State the form of grievance presentation and processing (oral/written, hearing officer/hearing panel, etc.) at each step? Yes ☐ No ☐
3. Specify the criteria and procedure for the assignment of initial hearing levels? Yes ☐ No ☐
4. Delineate procedures and responsibilities for notification of all parties at each processing level? Yes ☐ No ☐

5. Delineate timelines for all activities within the grievance procedure? Yes ☐ No ☐
6. Specify the procedures which shall be used in conducting grievance hearings? Yes ☐ No ☐
 - amount of time allocated to each hearing? Yes ☐ No ☐
 - amount of time allocated to each party to the grievance? Yes ☐ No ☐
 - right of each party to representation and assistance? Yes ☐ No ☐
 - right of each party to present witnesses and evidence? Yes ☐ No ☐
 - right of each party to question witnesses? Yes ☐ No ☐
 - roles of persons involved in the hearing? Yes ☐ No ☐
 - right of grievant to determine whether hearing shall be open to the public? Yes ☐ No ☐
 - provisions/requirements for recording the hearing? Yes ☐ No ☐
7. Specify any requirements for submission of written information by grievants or others? Yes ☐ No ☐
8. State the form and timelines for the preparation of grievance decisions? Yes ☐ No ☐
9. Clearly state the procedures and timelines for the grievant's acceptance or appeal of grievance decisions? Yes ☐ No ☐
10. Specify the roles and selection of persons involved in grievance processing? Yes ☐ No ☐

Basic and procedural rights

Does the grievance procedure:

1. Provide grievants with the right to appeal to progressive levels of decisionmaking? Yes ☐ No ☐
2. Provide assurances regarding the impartiality of hearing officers? Yes ☐ No ☐
3. Provide for confidentiality of grievance proceedings if so desired by the grievant? Yes ☐ No ☐
4. Provide for grievants' access to relevant institutional records? Yes ☐ No ☐
5. Provide for the protection of grievants and respondents from harassment and entry of information into student and personnel files? Yes ☐ No ☐
6. Provide for confidentiality of grievance records if so desired by the grievant? Yes ☐ No ☐

CHECKLIST FOR EVALUATING THE CONTENT OF GRIEVANCE PROCEDURES

Worksheet 7

Listed below are questions which may be used to evaluate the content of Title IX grievance procedures and determine possible needs for modification. Questions are organized into three sections: initiation and filing of the grievance, processing of the grievance, and basic procedural rights. Remember that these questions do *not* reflect Title IX requirements; they reflect, instead, general principles of grievance processing. A "No" answer does *not* indicate a violation of Title IX but it may indicate an area where further specification is desirable.

Initiation and filing of grievances

Does the grievance procedure:

1. Provide clear and adequate definitions of who may grieve, of what issues may be covered by grievances, and of the terms used throughout the procedure? Yes ☐ No ☐
2. Cover all students and employees? Yes ☐ No ☐
3. Clearly state the form and procedure for filing of grievances? Yes ☐ No ☐
4. Specify any applicable time limits for the initiation of a grievance? Yes ☐ No ☐
5. Provide for assistance to grievants in the filing/preparation/processing of a grievance? Yes ☐ No ☐
6. Specify the responsibilities of staff for the receipt and initial handling of grievances? Yes ☐ No ☐
7. Provide methods for informal and prompt resolution of grievances when further processing is not needed? Yes ☐ No ☐

Processing of grievances

Does the grievance procedure:

1. State the number and levels of steps for grievance processing and the criteria for initial referral to each level? Yes ☐ No ☐
2. State the form of grievance presentation and processing (oral/written, hearing officer/hearing panel, etc.) at each step? Yes ☐ No ☐
3. Specify the criteria and procedure for the assignment of initial hearing levels? Yes ☐ No ☐
4. Delineate procedures and responsibilities for notification of all parties at each processing level? Yes ☐ No ☐
5. Delineate timelines for all activities within the grievance procedure? Yes ☐ No ☐

6. Specify the procedures which shall be used in conducting grievance hearings?

Yes ☐ No ☐

—amount of time allocated to each hearing?

Yes ☐ No ☐

—amount of time allocated to each party to the grievance?

Yes ☐ No ☐

—right of each party to representation and assistance?

Yes ☐ No ☐

—right of each party to present witnesses and evidence?

Yes ☐ No ☐

—right of each party to question witnesses?

Yes ☐ No ☐

—roles of persons involved in the hearing?

Yes ☐ No ☐

—right of grievant to determine whether hearing shall be open to the public?

Yes ☐ No ☐

—provisions/requirements for recording the hearing?

Yes ☐ No ☐

7. Specify any requirements for submission of written information by grievants or others?

Yes ☐ No ☐

8. State the form and timelines for the preparation of grievance decisions?

Yes ☐ No ☐

9. Clearly state the procedures and timelines for the grievant's acceptance or appeal of grievance decisions?

Yes ☐ No ☐

10. Specify the roles and selection of persons involved in grievance processing?

Yes ☐ No ☐

Basic and procedural rights

Does the grievance procedure:

1. Provide grievants with the right to appeal to progressive levels of decisionmaking?

Yes ☐ No ☐

2. Provide assurances regarding the impartiality of hearing officers?

Yes ☐ No ☐

3. Provide for confidentiality of grievance proceedings if so desired by the grievant?

Yes ☐ No ☐

4. Provide for grievants' access to relevant institutional records?

Yes ☐ No ☐

5. Provide for the protection of grievants and respondents from harassment and entry of information into student and personnel files?

Yes ☐ No ☐

6. Provide for confidentiality of grievance records if so desired by the grievant?

Yes ☐ No ☐

SAMPLE TITLE IX GRIEVANCES

Worksheet 8

Following this page you will find eight sample Title IX grievance worksheets (Participant Worksheets 9-16). Each of these sample grievances reflects a day-to-day problem in Title IX implementation. Read each grievance carefully. Then, answer the questions on the grievance resolution form provided on the back of the worksheet. You will need to determine:

- whether or not the grievance is a violation of the Title IX regulation;
- your reasons for deciding whether or not it is a violation of the Title IX regulation;
- suggestions for corrective actions;
- suggestions for remedial actions.

Remember:

Corrective actions are those taken to modify a discriminatory policy, program, or practice to attain its compliance with the Title IX regulation.

Remedial actions are those taken to overcome the effects of the discriminatory policy, program, or practice.

SAMPLE TITLE IX GRIEVANCE

Worksheet 9

Name of Grievant J.J. Jefferson Date of Filing 10/1/77

School/Department/Position Class of 1979

Address 325 2nd Street, City

Telephone Number _____

Nature of Grievance I transferred to State University this fall after my marriage to a woman who has been a student at the University for the past two years. Although my wife is a resident of this state, I have been denied eligibility for in-state tuition rates. I understand, however, that the wives of male students who are state residents are automatically considered state residents eligible for in-state tuition rates. As the spouse of a state resident, I believe that I too am eligible for such tuition arrangements as are granted to the wives of male students.

Names and addresses of others involved in the grievance and the nature of their involvement.

J.J. Jefferson

Signature of Grievant

Person Receiving Grievance

W-9

RESOLUTION OF GRIEVANCE

(1) Violation: ☐ Yes ☐ No (Please give the reasons for your decision.)

(2) Corrective action recommended:

(3) Remedial measures recommended:

SAMPLE TITLE IX GRIEVANCE

Worksheet 10

Name of Grievant Grace Chung Date of Filing 8/22/76

School/Department/Position graduate student, Department of Chemistry

Address 304 Central Avenue

Telephone Number _____

Nature of Grievance I graduated from the undergraduate program here in chemistry last June and I would like to continue graduate work in chemistry here at State. I have no definite interest in pursuing a Ph.D. at this time but I do wish to study at the Master's level. During my preliminary interview for a graduate assistantship I mentioned that I was not yet certain about Ph.D. level studies. A member of the Awards Committee stated that I lacked ambition and therefore did not deserve an assistantship, although he admitted that my academic qualifications were outstanding. A male colleague has been offered the assistantship for which I applied even though he, too, is only enrolled in a Master's program. The Committee says that he deserves the award because he has a family to support. (At this time his wife works full-time in another department and he himself receives veteran's benefits.) I believe that I have been discriminated against; I would like to have this corrected.

Names and addresses of others involved in the grievance and the nature of their involvement.

Grace Chung Signature of Grievant

Person Receiving Grievance

W-10

RESOLUTION OF GRIEVANCE

(1) Violation: ☐ Yes ☐ No (Please give the reasons for your decision.)

(2) Corrective action recommended:

(3) Remedial measures recommended:

SAMPLE TITLE IX GRIEVANCE

Worksheet 11

Name of Grievant Janet Culbertson Date of Filing 11/3/77

School/Department/Position graduate student, School of Education

Address Hadley Hall

Telephone Number 484-3444

Nature of Grievance This grievance is submitted regarding the discriminatory services offered by the University Health Service. The literature distributed regarding the Service states that "the University Health Service offers comprehensive medical services and the most current health care to all students of State University." When I went to the Health Service for consultation and treatment for a routine gynecological problem, I was told, however, that gynecological services were available only two afternoons a month (when a local gynecologist donates her time). I should also note that several months ago my husband requested and received urological services from the Health Center. I believe that the lack of gynecological services on a routine basis constitutes sex discrimination and a violation of Title IX.

Names and addresses of others involved in the grievance and the nature of their involvement.

Janet Culbertson

Signature of Grievant

Person Receiving Grievance

W-11

113

RESOLUTION OF GRIEVANCE

(1) Violation: ☐ Yes ☐ No (Please give the reasons for your decision.)

(2) Corrective action recommended:

(3) Remedial measures recommended:

SAMPLE TITLE IX GRIEVANCE

Worksheet 12

Name of Grievant Venetra Gray Date of Filing 9/4/77

School/Department/Position junior, undergraduate division

Address 1202 Columbus

Telephone Number _____

Nature of Grievance I am a junior and I have a complaint regarding athletic scholarship policies. I have played varsity basketball here for two years; I am now entering my third. I receive no athletic scholarship (no female basketball players do) even though I am nationally recognized and I can certainly demonstrate financial need. In the men's basketball program all varsity players (16 students) are on full or partial athletic scholarships. These scholarships were awarded on the basis of ability; need is not even considered in these awards. When I spoke to the Director of Athletics, I was told that the Department has a five-year plan for developing scholarships for females, but that none will be available for another four years. I have only two years remaining here at State, and without a scholarship I may have to leave the University. I believe this policy is illegal.

Names and addresses of others involved in the grievance and the nature of their involvement.

Venetra Gray

Signature of Grievant

Person Receiving Grievance

W-12

120

RESOLUTION OF GRIEVANCE

(1) Violation: ☐ Yes ☐ No (Please give the reasons for your decision.)

(2) Corrective action recommended:

(3) Remedial measures recommended:

SAMPLE TITLE IX GRIEVANCE

Worksheet 13

Name of Grievant Dottie Sullivan; Ellen Marquez Date of Filing 8/31/77

School/Department/Position Class of 1981

Address Clendennin Hall

Telephone Number _____

Nature of Grievance We are writing this grievance to protest the unfair housing policies which exist on this campus. Different housing policies for male and female students are discriminatory, and we believe they are illegal under Title IX. Some examples are as follows: A. Male students are allowed to live off campus as freshmen, but female students must have parental permission to do so. B. When living off campus, female students must live in housing approved by the College; men may live anywhere they choose. C. Women living in dorms must follow restrictive rules regarding visiting hours for men; male students in dorms are under no such restriction. We are filing this grievance to have such policies changed and to obtain our right to live off campus in a place of our selection.

Names and addresses of others involved in the grievance and the nature of their involvement.

D. Sullivan Ellen Marquez
Signature of Grievant

Person Receiving Grievance

RESOLUTION OF GRIEVANCE

(1) Violation: ☐ Yes ☐ No (Please give the reasons for your decision.)

(2) Corrective action recommended:

(3) Remedial measures recommended:

SAMPLE TITLE IX GRIEVANCE

Worksheet 14

Name of Grievant Flo Perkins Date of Filing _____

School/Department/Position _____

Address _____

Telephone Number _____

Nature of Grievance I am a night matron at Jackson Community College. My job includes general cleaning. I would like to apply for the janitorial position because janitors make \$1.75 per hour more than matrons for just about the same work. I was told that I could not apply for the job because it was too hazardous for a woman. When I asked, they told me that putting up ladders and replacing of light bulbs would be dangerous for women. I've seen the janitor in my building replace 6 light bulbs in the last 3 months. I can do the job, if they let me, but they won't even let me try.

Names and addresses of others involved in the grievance and the nature of their involvement.

Flo Perkins

Signature of Grievant

Person Receiving Grievance

RESOLUTION OF GRIEVANCE

(1) Violation: ☐ Yes ☐ No (Please give the reasons for your decision.)

(2) Corrective action recommended:

(3) Remedial measures recommended:

SAMPLE TITLE IX GRIEVANCE

Worksheet 15

Name of Grievant Angelina Kormanik Date of Filing 10/2/77

School/Department/Position Associate Professor, Department of Biology

Address 501 Reed Hall

Telephone Number _____

Nature of Grievance I am writing this grievance with many misgivings, but I feel that it is the only option I have left within the College. Recently faculty salaries here at Jackson Community College were published and I was unhappily surprised to see that two of my male colleagues (also Associate Professors in the Biology Department) are making \$1200 and \$1500 more per year than I am. We were hired at the same time with almost identical qualifications; since then I have received excellent ratings from peers and students and published two articles. At least one of my colleagues received poor peer ratings last semester. I spoke to my Department Chair, who explained that the three of us have received approximately the same merit raise each year (in fact, mine was slightly larger due to my publications and ratings), but that the pay differential results from different beginning salaries. Dr. Henderson explained that I entered at a lower scale because they were afraid that I would leave to marry.

Names and addresses of others involved in the grievance and the nature of their involvement.

Angelina Kormanik
Signature of Grievant

Person Receiving Grievance

RESOLUTION OF GRIEVANCE

(1) Violation: ☐ Yes ☐ No (Please give the reasons for your decision.)

(2) Corrective action recommended:

(3) Remedial measures recommended:

SAMPLE TITLE IX GRIEVANCE

Worksheet 16

Name of Grievant Jack Peterson Date of Filing 9/30/77

School/Department/Position Instructor, Jefferson Technical Institute

Address Building D

Telephone Number _____

Nature of Grievance I am filing this counter-grievance in response to a grievance filed by Anne Smith.

Her grievance states that I refused her admission to my tool and die-making course. I did, and here are my reasons. First, the dies that have to be lifted onto the machines often weigh 70-90 pounds, and women wouldn't be able to lift them; the men would have to do it for them. Second, even if a woman could lift the dies and finish the course, no shop in this town would hire her. There's no point wasting the space when industry will take all the men I can turn out and industry subsidizes the program anyway. I think that having to admit women to the program would violate my professional freedom.

Names and addresses of others involved in the grievance and the nature of their involvement.

Jack Peterson

Signature of Grievant

Person Receiving Grievance

W-16

128

RESOLUTION OF GRIEVANCE

(1) Violation: ☐ Yes ☐ No (Please give the reasons for your decision.)

(2) Corrective action recommended:

(3) Remedial measures recommended:

**IMPLEMENTING TITLE IX AND
ATTAINING SEX EQUITY:
PLANNING FOR CHANGE**

GENERIC SESSION THREE

WORKSHEETS

IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY: CONDITIONS FOR CHANGE

Worksheet 17

In considering progress and needs related to Title IX implementation it is useful if we assess the degree to which institutions have responded to the need for change and the degree to which the conditions for change exist in our institutions of postsecondary education. It is on the basis of these factors that we can design intervention and action plans which can be successful for meeting our goals.

Please read each of the questions outlined below and answer as best you can in terms of your own perspective and evaluation of the present situation in your institution.

Title IX Implementation—Evaluating the Specifics

In general, how would you rate the progress made by your institution in the implementation of Title IX since June 1975 when the Title IX regulation became effective?

- ☐ Little progress made
- ☐ Minimal procedural compliance
- ☐ In-depth self-evaluation accomplished and appropriate corrective and remedial actions taken and/or underway
- ☐ Full implementation of Title IX throughout most of the institution's policies, practices, and programs

Student Programs

One of the areas covered by Title IX is the prohibition of sex discrimination in student programs and activities. Please indicate the two aspects of student programs and activities in which you feel greatest progress has been made and the two aspects where greatest change is needed.

Area	Greatest Progress	Greatest Need
Admissions and recruitment	☐	☐
Access to courses or programs	☐	☐
Athletics and competitive sports	☐	☐
Counseling and guidance	☐	☐
Employment assistance	☐	☐
Extracurricular activities	☐	☐
Financial assistance	☐	☐
Graduation requirements	☐	☐
Health services/insurance	☐	☐
Housing	☐	☐
Physical education programs	☐	☐
Student regulations and policies	☐	☐
Vocational education	☐	☐
Other (please specify)		
_____	☐	☐
_____	☐	☐

Employment

Another area covered by Title IX is the prohibition of sex discrimination in employment policies and practices. Please indicate two aspects of employment in which you feel greatest progress has been made and the two aspects where greatest change is needed.

Area	Greatest Progress	Greatest Need
Differential application of nepotism rules	☐	☐
Fringe benefits	☐	☐
Hiring and selection of staff	☐	☐
Labor organization contracts	☐	☐
Leaves of absence/sabbaticals	☐	☐
Maternity leave provisions	☐	☐
Promotion policies and practices	☐	☐
Salary equalizations (for equivalent positions)	☐	☐
Tenure policies and practices	☐	☐
Other (please specify) _____	☐	☐
_____	☐	☐
_____	☐	☐

What factors (training, materials, related events, etc.) have contributed most to the implementation of Title IX?

1. _____
2. _____
3. _____

What factors have retarded or impeded the implementation of Title IX?

1. _____
2. _____
3. _____

The degree of success achieved in implementing Title IX and attaining sex equity is related to the extent to which seven conditions have been met. One method of identifying needed action steps is to determine the degree to which these seven conditions have been met in your institution. Questions regarding the existence of these conditions are provided below.

1. Is there a consensus regarding the existence of sex discrimination and bias in education and the need for their alleviation?
2. Is there an understanding of the sources of sex discrimination and bias in education and their possible effects?

3. Is there leadership committed to and articulating goals for change?
4. Have change goals for the achievement of equity and models for accomplishing goals been specified?
5. Have human and financial resources been allocated for change efforts?
6. Do administrators, faculty, and staff have the capability (knowledge and skills) for delivering education equity?
7. Is there a system for the recognition of progress in education policies, programs, and practices and the reinforcement of personnel who have made efforts toward the delivery of nonsexist services?

The questions on the following pages ask you to consider the degree to which these conditions now exist, the types of actions or interventions which might be taken to contribute to their achievement, and the priorities for efforts in these directions.

Please rate your assessment of the general existence of each of the change conditions listed below on a scale from 1 through 5. Indicate your rating by circling the appropriate number.

1. Consensus regarding the existence of sex discrimination and sex bias in education and the need for their alleviation.

A. To what extent do you believe that there is general awareness/agreement on the existence of sex discrimination and sex-role stereotyping in education?

1	2	3	4	5
Little or no awareness/agreement			Widespread awareness/agreement	

B. To what extent do you believe that the alleviation of sex discrimination and sex-role stereotyping is a priority concern within your institution?

1	2	3	4	5
Low priority			High priority	

C. To what extent do you believe that Title IX is seen as a significant tool for the attainment of sex equity in education?

1	2	3	4	5
Little or no significance			Major significance	

2. Understanding of the sources of sex discrimination and sex bias in education and their possible effects.

A. To what degree do you feel that there is a general understanding of the sources of sex discrimination and sex bias and their operation?

Those sources specified in the Title IX regulation?

1	2	3	4	5
Little or no understanding			Extensive understanding	

Those sources not addressed in the Title IX regulation?

1	2	3	4	5
Little or no understanding			Extensive understanding	

B. To what extent do you believe that there is an understanding of the possible relationships between sex discrimination/stereotyping in education and sex differences in education and career outcomes?

1	2	3	4	5
Little or no understanding			Extensive understanding	

3. Existence of leadership committed to and articulating goals for change in education

- A. To what extent do you believe that leadership exists for the translation of consensus and understanding of the issues of sex discrimination and sex bias into goals for organizational and institutional action?

1	2	3	4	5
Little or no leadership			Effective leadership	

- B. To what extent do you believe that education leadership has articulated its commitment to the elimination of sex discrimination and sex bias in education?

1	2	3	4	5
Little articulation of commitment			Extensive articulation of commitment	

4. Specification of change goals for the achievement of equity and models for accomplishing change

- A. To what degree have the requirements of Title IX and the concerns related to sex equity in education been specified and incorporated within the policies, program plans, and management procedures of education institutions?

1	2	3	4	5
Little or no specification/incorporation			Extensive specification/incorporation	

- B. To what degree do models for such specification and incorporation exist?

1	2	3	4	5
Little or no development of models			Extensive model development	

5. Allocation of human and financial resources for achieving change

- A. To what degree have responsibilities for Title IX implementation and attainment of sex equity been assigned to all personnel within education institutions?

1	2	3	4	5
Responsibilities unassigned		Responsibilities centralized	Responsibilities distributed across levels and functions	

- B. To what degree have financial resources been allocated to the achievement of Title IX compliance and/or other activities related to the attainment of sex equity?

1	2	3	4	5
Few resources allocated			Significant resources allocated	

6. Capability of education personnel for achieving equity

- A. What is the general estimate of the level of capability of education personnel (their possession of knowledge and skills) to implement Title IX and to attain sex equity in education?

1	2	3	4	5
Little or no capability			Extensive capability	

7. A system for the recognition of progress in education policies, programs, and practices and the reinforcement of personnel who have made efforts toward the delivery of nonsexist services?

A. To what extent do you believe that there is positive recognition of efforts or programs to achieve Title IX implementation and sex equity?

1	2	3	4	5
Little or no recognition			General recognition	

B. To what extent do you believe that there is reinforcement and support of staff efforts to eliminate discrimination and bias in the delivery of services?

1	2	3	4	5
Little or no reinforcement			Major reinforcement	

Although it is likely that activities directed toward the greater attainment of each of these conditions would be desirable, it may be useful to consider your priorities for action. Please consider each of the conditions listed below and rank them in terms of your priorities for attention by placing a 1 beside the area you believe needs greatest attention at this time, a 2 beside the second most important area, etc.

1. Achieving consensus regarding the existence of sex discrimination and sex bias in education and the need for their alleviation ☐
2. Developing an understanding of the sources of sex discrimination and sex bias in education and their possible effects ☐
3. Increasing leadership committed to and articulating goals for change in education ☐
4. Specifying the change goals for the achievement of equity and models for accompanying these changes ☐
5. Increasing the allocation of human and financial resources to education equity concerns ☐
6. Increasing the capability of education personnel to achieve equity ☐
7. Developing a program of recognition and reinforcement for efforts to eliminate sex discrimination ☐

Review the priorities which you have assigned to the six conditions. Select the two conditions which you ranked 1 and 2 and list them in the space provided below. To the side, list the actions which could be taken by various groups within your community to increase the degree to which each of the conditions exists. Place an asterisk (*) by those action steps which you can initiate or support.

1. _____

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is a small, irregular white mark or smudge located slightly above the center of the page. The overall appearance is that of a clean, unused piece of stationery.

2. _____

TITLE IX ACTION PLANNING SHEET

Worksheet 18

I. Establishing Change Objectives

What three actions related to Title IX compliance and the elimination of sexism in your own professional functioning, or in the policies, programs, or practices of your education institution would you most like to see accomplished during the next year?

1.

2.

3.

Select one of the actions and write the change objective which is most important to you. Make sure it answers the following questions:

- *What* is to be changed?
- *Who* is going to change or be changed?
- *How* will they be changed?
- *Where* will the change occur?
- *When* will the change occur?

II. Identifying Barriers and Supports for Change

A. What are the important barriers that you will encounter in working toward the change objective that you've selected?

B. What supports will you have in working toward your change objectives?

III. Reevaluating Your Change Objective

Now that you've identified barriers and supports for your change objective, think about the following questions:

Is attainment of the change objective *possible*?

Is attainment of the change objective *probable*?

Is the objective stated in behavioral and concrete ways?
Is it *observable* and/or measurable?

Have you set a *timeline* for achieving the objective?

Do you believe your change objective is the *best available alternative* for achieving your change goals?

Is this something you *really* want to achieve?

If the answer to any of these questions is "no," you may need to modify your change objective.

IV. Planning for Accomplishing the Objective

A. Resources for change

What sources (knowledge/skills, money, people, etc.) will you need to achieve your change objective?

knowledge/skills:

money:

people:

B. Action steps

List below the necessary first steps that you will have to take to meet your change objectives, and the timelines you will set for their completion.

Action Step	Time Completed
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

RESOURCES FOR
IMPLEMENTING TITLE IX
AND ATTAINING
SEX EQUITY IN EDUCATION

RESOURCES FOR IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY IN POSTSECONDARY EDUCATION

The following listings of printed materials and organizations have been compiled to suggest resources which workshop participants may use for extending their knowledge and skills related to implementing Title IX and attaining sex equity in postsecondary institutions. This listing is not meant to be exhaustive; it is intended to provide a general overview of the materials which are currently available. Workshop participants are urged to use this listing as a beginning point for the identification of continually emerging resources which may assist sex equity efforts.

The resources are organized within two major listings. They are:

- **Print Resources**

This listing includes all printed materials related to the following three topics:

- Title IX and Its Implementation

Resources which provide information on Title IX and its implementation are included in this section.

- Sex Discrimination/Sex Equity in Postsecondary Education

This listing identifies those materials which document the existence of sex bias and discrimination in postsecondary institutions and which may be used in the implementation of Title IX and the attainment of sex equity.

- Women in the Academic Disciplines

Materials on the teaching of women's studies, on scholarship and research related to women, and journals devoted to women's issues are included here.

- **Organizational Resources**

This listing is of organizations which can provide information and assistance to both individuals and institutions dealing with issues of sex equity in postsecondary education. They are divided into two categories:

- Organizations Concerned with Sex Equity in Postsecondary Education

- Rosters, Registries, and Directories of Women in the Professions

More specific information on these listings and categories will be provided at the beginning of each.

(It should be noted that the listings provided do not include resources for persons interested in sex equity in elementary/secondary education. Such a listing may be found in the materials prepared for elementary/secondary personnel.)

PRINT RESOURCES

TITLE IX AND ITS IMPLEMENTATION

This is an annotated listing of resources designed to provide information on Title IX of the 1972 Education Amendments and assistance in the implementation of its regulatory requirements. The resources are subdivided into the following categories:

- Office for Civil Rights Documents
- Hearings on Title IX
- Law Review Articles
- General Resources
- Resources Related to Implementation of the Procedural Requirements of Title IX
- Physical Education and Athletics

Office for Civil Rights Documents

These two documents are the official publications on Title IX which have been published and distributed by the Office for Civil Rights.

U.S. Department of Health, Education, and Welfare, Office for Civil Rights. *Final Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education*. Washington, D.C.: U.S. Department of Health, Education, and Welfare, Office for Civil Rights (Washington, D.C. 20201), June 1975.

This booklet contains not only the full text of the final Title IX regulation, but also introductory and explanatory materials issued by the Department of HEW, together with a section describing the changes made in the original proposed Title IX regulation based upon the public comments received by October 1974.

U.S. Department of Health, Education, and Welfare, Office for Civil Rights. *Memorandum to Chief State School Officers, Superintendents of Local Educational Agencies and College and University Presidents [re] Elimination of Sex Discrimination in Athletic Programs*. Washington, D.C.: U.S. Department of Health, Education, and Welfare, Office for Civil Rights (Washington, D.C. 20201), September 1974.

This memorandum provides guidance on the major responsibilities of both elementary-secondary and postsecondary education institutions for achieving compliance with Title IX requirements regarding athletic activities and athletic scholarship programs.

Hearings on Title IX

The following records of Congressional hearings on Title IX provide background on the intent, interpretation, and scope of coverage of Title IX. The testimony of witnesses in the hearings frequently provides insight into the rationale behind various aspects of Title IX, as well as

statistics and other helpful information. Copies of the hearings should be on file in any college or university library.

U.S. Congress. House. Committee on Education and Labor. *Hearings on Sex Discrimination Regulations Before the Subcommittee on Postsecondary Education of the House Committee on Education and Labor*. 94th Cong. 1st sess., 1975.

These hearings, held in June 1975, include the testimony of representatives from women's and men's athletic organizations, student groups, education associations, women's rights organizations, college athletic departments, and members of Congress.

U.S. Congress. House. Committee on Education and Labor. *Hearing on House Concurrent Resolution 330 (Title IX Regulation) Before the Subcommittee on Equal Opportunity of the House Committee on Education and Labor*, 94th Cong. 1st sess., 1975.

This hearing was held on July 14, 1975 to determine whether several provisions of the Title IX regulation were "inconsistent with the Statute." After hearing and reviewing testimony from various Federal officials, representatives from women's groups and representatives from education institutions, the subcommittee voted unanimously to report to the full committee that these provisions were not inconsistent with the law.

U.S. Congress. Senate. Committee on Labor and Public Welfare. *Hearings on Prohibition of Sex Discrimination 1975 Before the Subcommittee on Education of the Committee on Labor and Public Welfare*. 94th Cong. 1st sess., 1975.

These hearings, held in September 1975, reviewed the proposed Tower amendment (S. 2106) which would have had the effect of exempting the so-called "revenue-producing" intercollegiate athletics from coverage under Title IX. Male and female student leaders, the Association for Intercollegiate Athletics for Women, directors of women's and men's athletic programs, and the National Collegiate Athletic Association presented their views on the amendment. The committee took no action on the amendment.

Law Review Articles

The following articles focus on the legal precedents and implications of Title IX. These citations should be helpful to persons wishing to broaden their understanding of the legal issues of sex discrimination in postsecondary institutions so that they might move toward greater compliance with Title IX. Additional references can be found in *An Index to Legal Publications*.

(In these citations the number preceding the name of the journal is the volume, and the number immediately following the journal is the first page of the article.)

Buek, Alexandra Polyzoides and Orleans, Jeffrey H. "Sex Discrimination—A Bar to Democratic Education: Overview of Title IX of the Education Amendments of 1972." *Connecticut Law Review* 6 (Fall 1973): 1-27.

Divine, Thomas M. "Women in the Academy: Sex Discrimination in University Faculty Hiring and Promotion." *Journal of Law and Education* (October 1976). (Article is available for \$6.25 from *Journal of Law and Education*, P.O. Box 1936, Cincinnati, Ohio 45201.)

Edwards, Harry T. "Arbitration of Employment Discrimination Cases: A Proposal for Employer and Union Representatives." *Labor Law Journal* (May 1976). (Article is available for \$3.00 from Commerce Clearing House, Inc., 4025 W. Peterson Ave., Chicago, Illinois 60646.)

Fishel, Andrew. "Organizational Positions on Title IX," 47 *Journal of Higher Education* 93 (1976).

Hodgson, Beverly J. "Sex, Texts, and the First Amendment," 5 *Journal of Law and Education* 173 (1976).

"Implementing Title IX: The HEW Regulations," 124 *University of Pennsylvania Law Review* 806 (1976).

Perle, Linda E. and Browning, R. Stephen. "Student Classifications and Equal Protection: Marriage and Sex," 3 *Journal of Law and Education* 93 (1974).

Sandler, Bernice. "Sex Discrimination, Admissions in Higher Education and the Law," 50 *College and University* 197 (1975)

"Sex Discrimination and Intercollegiate Athletics," 61 *Iowa Law Review* 420 (1975)

"Sex Discrimination—The Enforcement Provisions for Title IX of the Education Amendments of 1972 Can Be Strengthened to Make the Title IX Regulations More Effective," 49 *Temple Law Quarterly* 207 (1975).

"Sex Restricted Scholarships and the Charitable Trust," 59 *Iowa Law Review* 1000 (1974).

Temko, Joan. "Women in Post-Graduate Education," 1 *Women's Rights Law Reporter* 10 (1973).

Weckstein, Paul. "Judicial Standards for Determining Sex Discrimination," 18 *Inequality in Education* 58 (1974).

General Resources

These are general resources on Title IX which include such items as overviews of Title IX, rationale statements for Title IX, and charts of Federal nondiscrimination laws, including Title IX.

Dunkle, Margaret C. and Sandler, Bernice. "Sex Discrimination Against Students: Implications of Title IX of the Education Amendments of 1972." *Inequality in Education* (October 1974): 12-35. (*Inequality in Education* is published by the Center for Law and Education, Harvard University, Larsen Hall, 14 Appian Way, Cambridge, Massachusetts 02138.)

The article is a comprehensive analysis of the provision of the Title IX regulation prohibiting discrimination on the basis of sex against students of all educational levels. It examines some of the specific practices and policies which may be discriminatory and suggests modifications which may be required for compliance with Title IX. (A revision of this article, dated November 1975, is available from the Association of American Colleges, 1818 R Street, N.W., Washington, D.C. 20009).

Project on the Status and Education of Women. *Single Sex Organizations and Programs Under Title IX*. Washington, D.C.: Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., November 1975.

This publication clarifies which single sex groups and programs are covered under Title IX regulation and which are exempt.

Project on the Status and Education of Women. *What Constitutes 'An Education Program or Activity' Under Title IX?—Are Programs That Do Not Directly Receive Federal Funds, Such as Athletics, Covered?* Washington, D.C.: Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., March 1975.

This paper discusses issues to be considered in determining the extent of Title IX coverage of programs and activities. It points out that there are legal and Constitutional precedents to support the interpretation that Title IX covers both programs receiving funds directly and those receiving them indirectly.

Resource Center on Sex Roles in Education. *Complying with Title IX: A Resource Kit*. Washington, D.C.: Government Printing Office, 1976.

This resource kit is designed to provide information and materials which can assist education agencies and institutions in determining and ensuring their compliance with Title IX of the Education Amendments. Although several components of the kit were designed primarily for elementary-secondary institutions, a number contain specific information related to postsecondary institutions while others are adaptable to the postsecondary level.

- *Equal Opportunity—A Fundamental American Right*. This small pamphlet provides a general thematic and photographic introduction to the issues of equal educational opportunity. It establishes a context for understanding Title IX.
- *Why Title IX?* This short booklet reviews data which document the existence of sex discrimination in education in those areas covered under Title IX, and data which suggest its possible effects.
- *Title IX of the Education Amendments of 1972: A Summary of the Implementing Regulation*. A detailed summary of the Title IX regulation is provided in concise form.
- *Identifying Discrimination: A Review of Federal Antidiscrimination Laws and Selected Case Examples*. Laws prohibiting race and sex discrimination against students and employees of educational institutions are reviewed. Examples of discriminatory situations drawn from actual school districts and postsecondary institutions are described and analyzed.
- *Complying with Title IX: The First Twelve Months*. This booklet outlines the five procedural tasks that must be completed by July 21, 1976, in order to ensure Title IX compliance, and gives implementation aids for each task.
- *Complying with Title IX: Implementing Institutional Self-Evaluation*. This manual is designed to assist local education agencies in implementing the institutional self-evaluation required by the Title IX regulation. It contains discussions of basic issues addressed by Title IX, it identifies specific documents and questions to be used in determining compliance, and it provides sample checklists useful in designing and implementing self-evaluation.
- *Title IX: Selected Resources*. This listing identifies available materials relating to Title IX compliance. It contains an appendix listing guidelines and materials developed by various state education agencies and general assistance centers.

- *Equal Educational Opportunity and Equal Employment Opportunity.* These two posters outline the rights of students and employers to equal opportunity without regard to race and sex. They may be displayed in institutions as one means of policy notification.

Sandler, Bernice. "Sex Discrimination, Educational Institutions and the Law: A New Issue on Campus." *Journal of Law and Education* 2 (October 1973): 613-635

This article provides a general analysis of the provisions of Executive Order 11246, Title VII of the Civil Rights Act, the Equal Pay Act, and Title IX. "A Summary of Federal Policy Concerning Twenty-Five Affirmative Action Issues in Employment," included in this article, is a useful guide for all persons responsible for implementing Federal antidiscrimination laws.

Taylor, Emily and Shavlik, Donna. *Selecting Professionals in Higher Education: A Title IX Perspective.* Washington, D.C.: U.S. Department of Health, Education, and Welfare, Office of Education, 1977.

This booklet focuses primarily on strategies for the elimination of sex discrimination in employment in postsecondary institutions. It includes specific suggestions for the selection of professional employees, as well as a brief review of data and legislation relating to issues of equal employment opportunity.

U.S. Department of Health, Education, and Welfare. National Institute of Education. *Race and Sex Discrimination in Education Institutions: Federal Laws and Regulations.* Washington, D.C.: Department of Health, Education, and Welfare. National Institute of Education, 1976.

This chart, prepared in 1976, summarizes the coverage of five Federal laws and regulations—Executive Order 11246 as amended by 11375, Titles VI and VII of the Civil Rights Act of 1964, the Equal Pay Act, and Title IX—and reviews the complaint procedure available under each statute or regulation.

Resources Related to the Implementation of the Procedural Requirements of Title IX

These resources relate to the implementation of the procedural requirements of Title IX which all institutions must meet.

Furness, W. Todd. *Grievance Procedures: A Working Paper.* Washington, D.C.: Commission on Academic Affairs, American Council on Education, One Dupont Circle, December 1975.

This working paper provides an overview of the use of grievance procedures in higher education. It examines grievance procedures within the context of the Title IX requirement and outlines the factors to be considered in developing a grievance procedure. Single copies may be obtained free; there is a charge for multiple copies.

Gappa, Judith M.; Jauquet, Ann M.; and Ragan, Barbara M. *Self-Evaluation Package.* Logan, Utah: Affirmative Action Equal Opportunity Programs, Utah State University, January 1976.

This self-evaluation package is designed for institutions of higher education. Areas of the Title IX regulation pertinent to higher education are presented in sixteen separate units, each designed to become a cumulative record of current procedures and practices, their evaluation, and the projected corrective actions which may need to be taken.

Matthews, Martha and McCune, Shirley. *Title IX Grievance Procedures: An Introductory Manual*. Washington, D.C.: Resource Center on Sex Roles in Education, National Foundation for the Improvement of Education, 1201 16th Street, N.W., 1976.

This manual is designed to assist education institutions and agencies in developing, evaluating, and implementing Title IX grievance procedures. It contains a review of both general issues and specific considerations related to Title IX grievance procedures, a sample procedure, and a number of tools for implementing or evaluating grievance procedures.

Project on the Status and Education of Women. *Employment Self-Evaluation Checklist*. Washington, D.C.: Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., November 1975.

This list identifies specific actions which must be taken to achieve institutional compliance with Title IX. It includes such steps as notification of policy, designation of Title IX specialist, adoption of grievance procedures, and institutional self-evaluation.

Taylor, Emily and Shavlik, Donna. *Institutional Self-Evaluation: The Title IX Requirement*. Washington, D.C.: Office of Women in Higher Education, American Council on Education, One Dupont Circle, October 1974.

This document is designed to assist institutions of higher education to conduct an effective self-evaluation. It summarizes relevant sections of the regulation in lay language and provides a commentary and suggested evaluation procedures for each section.

Physical Education and Athletics

This listing includes a variety of resources on both physical education and athletics at the postsecondary level.

Dunkle, Margaret. *Competitive Athletics: In Search of Equal Opportunity*. Washington, D.C.: U.S. Department of Health, Education, and Welfare, Office of Education, 1976.

This manual was prepared primarily for athletic directors, administrators, coaches, and others concerned with providing equal athletic opportunity in colleges and universities, although persons working at the secondary level should also find it useful. It provides institutions with a guide for gathering and evaluating information to assess equal opportunity in their athletic programs and for developing strategies to attain equal opportunity.

Hogan, Candance Lyle. "From Here to Equality: Title IX." *womenSports.*, September 1977, pp. 16-26+.

This article examines the past and present status of women in sports at both the high school and college and university levels. It describes efforts being made to meet the Title IX compliance deadline for athletics of July 21, 1978.

National Association of College and University Business Officers. *NACUBO Special Report 75-9. Sex Discrimination: OCR Issues Memorandum on Title IX Athletics Provisions*. Washington, D.C.: National Association of College and University Business Officers, One Dupont Circle, Suite 510, October 3, 1975.

This report summarizes the Office for Civil Rights memorandum regarding the athletic provisions of Title IX as they apply to higher education institutions. It clarifies issues regarding coverage, evaluation criteria, and specific prohibitions. A copy of the memorandum is included in the report.

Project on the Status and Education of Women. *What Constitutes Equality for Women in Sports? -Federal Law Puts Women in the Running*. Washington, D.C.: Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., September 1975.

This monograph provides a comprehensive analysis of concerns related to equality for women in sports. Attitudes toward women in sports, legal mandates, physiological differences between the sexes, and details of the implementation of Title IX are reviewed and documented. An extensive bibliography on the subject is included.

Skidmore, Patricia. *Women in Sports*. Washington, D.C.: Women's Equity Action League (National Press Building, Washington, D.C. 20045), Summer 1975.

The kit contains materials developed by WEAL and the Project on the Status and Education of Women which deal with sex discrimination in sports. It also contains a copy of the final Title IX regulation, the OCR memorandum on the "Elimination of Sex Discrimination in Athletic Programs," and the EEOC's "Guidelines on Discrimination Because of Sex." A bibliography of pertinent materials is enclosed.

Women's Rights Project. *Sex Discrimination in Athletics and Physical Education*. New York, N.Y.: American Civil Liberties Union, Women's Rights Project, 622 E. 40th Street, January 1975.

Many major areas of concern regarding discrimination in athletics and physical education are addressed in this collection of materials. Included are discussions of Title IX and Executive Order 11246 and methods of enforcement; legal memoranda on the appropriate standard of review in sex discrimination cases under the Fourteenth Amendment and the law that has so far developed under state equal rights amendments; case citations of athletics cases involving sex discrimination already decided in the courts; organizing advice and strategies; and a bibliography.

WomenSports (entire issue: "Revolution in Women's Sports") September 1974, pp. 34-56.

This issue presents facts, hints, speculation, clarification, and data about the changing role of women in sports. The role of Title IX and other Federal nondiscrimination legislation in furthering the revolution is discussed.

SEX DISCRIMINATION/SEX EQUITY IN POSTSECONDARY EDUCATION

The resources listed here document the existence and extent of sex bias and discrimination in postsecondary institutions or provide information relevant to the attainment of sex equity in postsecondary education. They are categorized as follows:

- General Resources
- Resources on Vocational Education
- Resources on Counseling
- Legal Resources
- Newsletters

General Resources

Alfrey, Jean. *Equal Rights for Women in Education: A Resource Handbook for Policy Makers*. Denver, Colo.: Education Commission of the States, 300 Lincoln Tower, 1860 Lincoln Street, January 1976.

Designed to aid a broad range of educational policy makers, this handbook gives an overview of nine selected areas of education: adult education, athletics, employment in elementary/secondary education, guidance and counseling, higher education, sex-role stereotyping in curricular materials, teacher training and certification, treatment of students, and vocational education. Resource organizations and recent state actions in these areas are provided.

Abramson, Joan. *The Invisible Woman*. San Francisco: Jossey-Bass Publishers, 1975.

Joan Abramson recounts the events that led her to file a sex discrimination complaint against her university and the institution's response to her charge. She also presents an analysis of the discrimination faced by women in academe and her prescription for what both women and men can do to combat it.

Astin, Alexander W. "Academic Administration: The Hard Core of Sexism in Academe." *UCLA Educator* 19 (Spring 1977): 60-66

Astin presents data on the number of women in postsecondary administration and explores factors which account for their underrepresentation. He concludes with recommendations for changes in recruitment, selection, and promotion procedures.

Astin, Helen S.; Harway, Michele; and McNamara, Patricia. *Sex Discrimination in Education: Access to Postsecondary Education*. Los Angeles: Higher Education Research Institute, 1976.

This study, authorized under the Women's Educational Equity Act of 1974, was undertaken to identify the extent and kinds of sex discrimination in access to postsecondary institutions. Its main objective was to identify factors which either facilitate or inhibit educational access for women students. Implications of findings and recommendations are presented. References are extensively annotated in a separate document.

Editors of *Change Magazine*. *Women on Campus: The Unfinished Liberation*. New Rochelle, N.Y.: *Change Magazine*, 1975.

A collection of articles, this publication explores several aspects of sex discrimination experienced by college women. Topics considered by the authors include affirmative action, women's studies, unemployment of academic women, and problems faced by faculty wives. Much of the material is anecdotal.

Furniss, W. Todd, and Graham, Patricia A., eds., *Women in Higher Education*. Washington, D.C.: American Council on Education, 1974.

A compilation of papers from the 55th Annual Meeting of the American Council on Education, this book explores the participation of women in higher education as students and professional staff. The 38 contributors cover a wide range of topics related to women's participation from admissions policies for students to employment benefits for staff.

Habecker, Eugene. *Affirmative Action in the Independent College: A Practical Planning Manual*. Washington, D.C.: Council for the Advancement of Small Colleges, 1977.

A 174-page handbook, this document presents a model affirmative action policy statement and plan especially designed for small, independent colleges. It also includes instructions and worksheets for work force availability and utilization analysis. The appendices provide copies of Federal nondiscrimination laws, a section on pre-employment inquiries, and other material related to affirmative action.

Howard, Suzanne. "Campus 1970: Revisited 1976—Where Do Women Stand?" Washington, D.C.: American Association of University Women, 2401 Virginia Avenue, forthcoming.

This report is an update of a 1970 survey on women in academe conducted with colleges and universities holding corporate membership in AAUW. It examines the position of women as students, faculty, administrators, and trustees. The author concludes that although some change has occurred, barriers to women's equal participation in higher education still exist, and that women in academe do not yet have equal status with men.

Kane, Roslyn D. *Sex Discrimination in Education: A Study of Employment Practices Affecting Professional Personnel*. Vol. 1: Study Report. Vol. 2. Annotated Bibliography. Washington, D.C.: U.S. Department of Health, Education, and Welfare, National Center for Education Statistics, 1976.

This report was prepared under Congressional mandate for the National Advisory Council on Women's Educational Programs. It reviews the current status of women employed in professional positions in educational institutions from preschool through post-secondary education, describes their employment status as compared to men, and identifies discriminatory employment practices which have restricted women's opportunities. Material for this study was obtained from many different sources, ranging from historical and scientific studies to reports from women's organizations.

Rossi, Alice S. and Calderwood, Ann, eds. *Academic Women on the Move*. New York: Russell Sage Foundation, 1973.

Articles in this book together discuss hundreds of studies on the status of women in postsecondary education. They focus on women's entry as students through their

career development and eventual status as faculty members, researchers, and administrators. Both qualitative research and anecdotal accounts are included.

The Carnegie Commission on Higher Education. *Opportunities for Women in Higher Education*. New York: McGraw-Hill Book Company, 1973.

This report focuses on the current participation of women in higher education as students, faculty members, administrators, and nonfaculty academic employees. It also discusses prospects for the future and gives 24 recommendations for action.

Westervelt, Esther Manning. *Barriers to Women's Participation in Postsecondary Education*. Washington, D.C.: National Center for Education Statistics, 1975.

Through a review of research and commentary, the author delineates three distinct variables which account for the underrepresentation of women in postsecondary education. These are policies and practices of postsecondary institutions, social constraints, and psychological and social factors, all of which impact negatively on women's participation in education. Westervelt discusses the ways in which these factors interact in their effects on women.

Vocational Education

Maier, Sheila M. *Exemplary Strategies for Elimination of Sex Bias in Vocational Programs*. Washington, D.C.: Human Resources Management, 1976.

Prepared for the National Advisory Council on Vocational Education, this report identifies and reviews projects, conferences, and materials which are (or, in the case of conferences, have been) designed to break down sex-role stereotypes in career choices.

Steiger, Jo Ann. *The Vocational Preparation of Women*. Washington, D.C.: U.S. Department of Health, Education, and Welfare, Secretary's Committee on the Rights and Responsibilities of Women, 1975.

This pamphlet provides a comprehensive overview of issues relating to sex stereotyping and sex discrimination in vocational education programs. It includes documentation regarding the participation of women in the paid workforce and in vocational education, and delineates specific problems in the vocational education of women. Recommendations for change in Federal policies and programs are made, and a listing of Federally funded projects relating to vocational education for women are also included.

U.S. Congress. House. Committee on Education and Labor. *Sex Discrimination and Sex Stereotyping in Vocational Education. Hearings before the Subcommittee on Elementary, Secondary, and Vocational Education*. 94th Cong. 1st Sess., 1975.

The Congressional hearings regarding possible inclusion of prohibitions of sex discrimination within the Vocational Education Act are collected in this document. In addition to transcripts of statements by various Federal officials and representatives of women's projects and other organizations, the publication includes a reprint of *Women in Vocational Education*, a 1974 report prepared for the National Advisory Council on Vocational Education. The report provides data on the current status of women in the world of work, the current status of vocational-technical education for females, sexism in society and education, affirmative action for women in education and employment, and implications for change in vocational-technical education.

Counseling

Diamond, Esther E. *Issues of Sex Bias and Sex Fairness in Career Interest Measurement*. Washington, D.C.: U.S. Department of Health, Education, and Welfare, National Institute of Education, Career Education Program, 1975.

This is a book of eleven readings prepared for a 1974 NIE-sponsored workshop on sex fairness in career interest inventories. The essays focus on such subjects as "Reducing Sex Bias: Factors Affecting the Client's View of the Use of Career Inventories." "Expanding Opportunities for the Reentry Woman," and "The Legal Implications of Sex Bias in Interest Inventories." Also included are "Guidelines for Assessment of Sex Bias and Sex Fairness in Career Interest Inventories" developed by the National Institute of Education.

Legal Resources

Babcock, Barbara; Freedman, Ann E.; Norton, Eleanor Holmes; and Ross, Susan C. *Sex Discrimination and the Law: Causes and Remedies*. Boston: Little, Brown and Company, 1975.

This book is a collection of legal cases; statutory materials; magazine articles, historical, economic, and sociological materials; practice manuals; and notes related to sex discrimination. Major topics are Constitutional law and feminist history; employment discrimination; sex role discrimination in family law; women and criminal law; and women's right to control their reproductive capacities, obtain equal education, and gain access to places of public accommodation.

Kanowitz, Leo. *Sex Roles in Law and Society: Cases and Materials*. Albuquerque: University of Mexico Press, 1973.

Written as a text, this book explores the implications for American law of differential treatment of males and females on the basis of sex.

Pierson, William. *Equal Rights for Women in Education—An Overview of Federal Court Decisions Affecting Equal Rights for Women in Education*. Denver, Colorado: Education Commission of the States, Equal Rights for Women in Education Project, 300 Lincoln Tower, 1860 Lincoln Street, June 1975.

Published one month prior to the issuance of the Title IX implementing regulation, this report's coverage of Title IX itself is brief. However, it contains valuable information on the evolution of legal theories covering sex discrimination in education, and cites court decisions and statutory provisions which have set precedents for coverage and interpretation under Title IX of the Education Amendments.

Newsletters

• Equal Opportunity

Affirmative Action Register. 10 S. Brentwood Blvd., St. Louis, Mo. 63105. Free to organizations for women, minorities, and handicapped people. Individual subscriptions are \$8 for six issues or \$15 per year (12 issues).

The register is a resource on affirmative action—from legal aspects to job openings—for organizations and individuals.

Equal Opportunity in Higher Education. Capitol Publications, Inc., Ste. G-12, 2430 Penn. Ave., N.W., Washington, D.C. 20037. \$75 per year (26 issues).

This resource reviews Title IX and other civil rights activities, and compliance efforts of HEW's Office for Civil Rights. In addition, it covers the activities of the Equal Employment Opportunity Commission, the Civil Rights Commission, the Departments of Justice; Labor; Health, Education, and Welfare; and other Federal offices. It provides information on Federal policy, rules and regulations, court decisions, legislation, and campus activities related to the status of women and minorities.

Title IX News. Capitol Publications, Inc., Ste. G-12, 2430 Penn. Ave., N.W., Washington, D.C. 20037. \$80 per year (26 issues).

Title IX News monitors not only Federal events affecting Title IX, but it follows the law where it's implemented—on the state and local level. The newsletter contains legislation, court rulings, HEW interpretations of Title IX, and survey results.

- **Women in Academe**

Comment. Office of Women in Higher Education, American Council on Education, One Dupont Circle, Washington, D.C. 20036. \$10 per year (three issues).

This publication features research and action articles related to women in higher education.

On Campus with Women. Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., Washington, D.C. 20009. Single copies are available without charge (published about three times a year).

On Campus with Women provides information and resources regarding the status and education of women in postsecondary institutions.

Women's Studies Newsletter. The Feminist Press, Box 334, Old Westbury, N.Y. 11568. \$7 per year for individuals, \$10 for institutions (four issues).

This newsletter is the official publication of the National Women's Studies Association. Directed toward teachers, it includes scholarship and resources related to women.

- **General Focus Newsletters**

Spokeswoman. 1957 E. 73rd Street, Chicago, IL 60649. \$12 per year (12 issues).

Womanpower Newsletter. Betsy Hogan Associates, 222 Rawson Road, Brookline, MA 02146. \$18.50 per year for individuals, \$37 for institutions (12 issues).

Women Today. Today Publications and News Service, Inc., National Press Bldg., Washington, D.C. 20045. \$23 per year, \$20 prepaid (23 issues).

These three newsletters report a wide range of current news and developments related to women in society. Topics covered include, among others, legislation, legal decisions, job outlooks, education, credit, and health.

WOMEN IN THE ACADEMIC DISCIPLINES

Resources in this section relate to women in the academic disciplines. They are listed in the following categories:

- The Teaching of Women's Studies
- Scholarship and Research Related to Women
- Journals

The Teaching of Women's Studies

These references on women's studies focus on the history and development of such programs, suggest course outlines and curriculum resources, and identify many of the persons working in the field.

Berkowitz, Tamar; Mangi, Jean; and Williamson, Jane. *Who's Who and Where in Women's Studies*. Old Westbury, N.Y.: The Feminist Press, 1974.

Who's Who lists 2964 female and male feminist teachers throughout the country. Persons are listed by university and college affiliation, by faculty status (in alphabetical order), and by department.

Cassirer, Sidonie, ed. *Female Studies IX—Teaching About Women in the Foreign Languages*. Old Westbury, N.Y.: The Feminist Press, 1975.

This is the first attempt to survey the impact of women's studies on foreign language curriculum. The volume contains some 90 listings and outlines for courses with a focus on women offered by departments of French, Spanish, and German in postsecondary institutions across the country.

Forschl, Merle and Williamson, Jane. *Feminist Resources for Schools and Colleges: A Guide to Curricular Materials*. Old Westbury, N.Y.: The Feminist Press, 1977.

This newly revised and expanded *Feminist Resources* has more than 500 listings of nonsexist books, pamphlets, articles, audiovisual resources, and other materials for teachers and students from preschool through higher education. Entries are annotated and divided according to educational level.

Hoffman, Nancy; Secor, Cynthia; and Tinsley, Adrian. *Female Studies VI—Closer to the Ground: Women's Classes, Criticism, Programs, 1972*. Old Westbury, N.Y.: The Feminist Press, 1972.

This book focuses on the practice of women's studies in the classroom emphasizing the teaching of literature. Included are 22 essays on women's studies, literary criticism from a feminist perspective, and course materials.

Rosenfelt, Deborah S., ed. *Female Studies VII—Going Strong: New Courses, New Programs*. Old Westbury, N.Y.: The Feminist Press, 1973.

Female Studies VII describes 60 courses that demonstrate the growth of women's studies. Syllabi in the area of third world women and women in nonwestern societies are included.

Rosenfelt, Deborah S., ed. *Female Studies X—Student Work/Learning to Speak*. Old Westbury, N.Y.: The Feminist Press, 1975.

Female Studies X of this series offers the fruits of five years of undergraduate women's studies taking place on campuses across the country. The wide variety of topics treated illustrates the breadth of interests present in women's studies.

Scholarship and Research

Items included here have as a major focus scholarship and research on women's issues and concerns.

Astin, Helen; Suniewick, Nancy; and Dweck, Susan. *Women: A Bibliography on Their Education and Careers*. Washington, D.C.: Human Service Press, 1971.

An annotated bibliography, this book provides an overview of research on women's education and career development. Most of the publications identified are based on empirical research; however, some historical accounts, policy papers, and articles on the women's movement are also included. Some of the major topics included are women in the world of work, determinants of career choice, marital and familial status of working women, and continuing education of women.

Daniels, Arlene Kaplan. *A Survey of Research Concerns on Women's Issues*. Washington, D.C.: Association of American Colleges, Project on the Status and Education of Women, May, 1975.

Summarizing areas of needed research, this publication serves as a guide and stimulus for those interested in initiating or funding research on women. It covers fields such as the world of work, socialization and the educational system, marital status and family, and health and life-cycle issues.

Friedman, Barbara; Greenstein, Gloria; Kofron, Emily; Pollack, Fanette; and Williamson, Jane, eds. *Women's Work and Women's Studies/1973-1974*. New York: The Women's Center, Barnard College, 1975.

This bibliography contains nearly 4,000 references about women and feminism in both the humanities and the social sciences. There is a special section devoted to other resources and bibliographies.

McGuigan, Dorothy G. *New Research on Women at the University of Michigan*. Ann Arbor: The University of Michigan, 1974.

The 30 papers in this book were presented at a conference, "New Research on Women," held in March 1973. Papers included in the opening section consider the reasons that research on women is limited. Subsequent sections present papers on women in literature, history, drama, art, the world of work, and in family roles.

Mateer, Carolyn; Rohfeld, Rae; and Zell, Laverne. *Research Guide to Women's Issues*. Cleveland: Clearinghouse for Research on Women and Employment, Institute of Urban Studies, Cleveland State University, Cleveland, Ohio 44115.

This publication identifies sources for women's studies research and includes a section on possible research topics which can be used by teachers or researchers. The section on

sources includes works which can be used to assess the state of research on a particular topic and lists directories, bibliographies, indexes, abstracts, and manuscript collections.

Rosenberg, Marie Barovic and Bergstrom, Len V. *Women and Society: A Critical Review of the Literature with a Selected Annotated Bibliography*. Beverly Hills, Calif.: Sage Publications, Inc., 1975.

This book is a selected annotated bibliography of scholarly and applied research from the major disciplines on women's roles in society. It includes listings of information relevant to women in history, literature and the arts, economics, psychology, political science, medicine and health, and anthropology. General reference works on women such as a directory of women's organizations, institutes, periodicals, and women's collections and libraries are included.

Journals

This section lists scholarly journals which focus on women's issues.

Psychology of Women. American Psychological Association, 1200 17th Street, N.W., Washington, D.C. 22036. \$30 per year (4 issues).

This periodical contains empirical studies, critical reviews, theoretical articles, and book reviews related to the psychology of women. Topics include, but are not limited to, psychobiological factors, behavior studies, role development and change, career choice, education, discrimination, and sexuality.

Signs: Journal of Women in Culture and Society. University of Chicago Press, 5801 Ellis Avenue, Chicago, Illinois 60637. \$16.00 (four issues).

A quarterly publication, *Signs* is devoted to new scholarship about women from the United States and other countries. It features original research, essays, and a synthesis of report and essay which is interdisciplinary in scope.

Sex Roles: A Journal of Research. Plenum Publishing Corporation, 227 West 17th Street, New York, N.Y. 10011. \$35.00 (four issues).

This journal is devoted to presenting both theoretical and empirically-based articles pertaining to sex-role socialization and change in adults and children.

The University of Michigan's Papers in Women's Studies. U-M Papers, Women's Studies Program, 1058 LSA Building, The University of Michigan, Ann Arbor, Michigan 48104. \$10 (volume of four issues).

The University of Michigan Papers in Women's Studies is an interdisciplinary feminist journal concerned with all aspects of women's studies.

Women Studies Abstracts. P.O. Box 1, Rush, N.Y. 14543. Individual subscription \$20.00 (four issues).

Both abstracts and articles on a wide range of topics related to women are included in this publication.

ORGANIZATIONAL RESOURCES

These organizational resources included in this listing are of two types:

- Organizations Concerned with Sex Equity in Postsecondary Education
- Rosters, Registries, and Directories of Women in the Professions

ORGANIZATIONS CONCERNED WITH SEX EQUITY IN POSTSECONDARY EDUCATION

The organizations listed below can provide information and assistance both to institutions and individuals with concerns related to women in postsecondary education:

- The American Association of University Women publishes an annual listing of the various women's caucuses of professional associations. Many of these organizations can assist in recruiting qualified women for employment.

American Association of University Women
2401 Virginia Avenue, N.W.
Washington, D.C. 20005 (202) 785-7700

- The Higher Education Referral Service (HERS) provides suggestions of faculty and administrative candidates to colleges and universities expressing particular needs. There are presently two services; one located at Wellesley College in Massachusetts, and the other at the University of Pennsylvania. The service located at the University of Pennsylvania concentrates primarily on positions in educational administration, but is also concerned with faculty appointments. These two services may be of assistance when institutions are trying to locate women candidates for serious consideration.

Director, Higher Education Referral Service, New England
Cheever House, 828 Washington Street
Wellesley College
Wellesley, Massachusetts 02181 (617) 863-2197

Director, Higher Education Referral Service, Mid-Atlantic
University of Pennsylvania
4025 Chestnut Street, T-7, Fourth Floor
Philadelphia, Pennsylvania 19174 (215) 243-5426

- The National Women's Studies Association, founded in January 1977, is dedicated to furthering the social, political, and professional development of women's studies throughout the country. It actively supports and promotes feminist education and supports all feminists involved in that effort at every educational level and in every educational setting.

The association has task forces on the following topics:

- Communications
- Curricula, Programs, and Institutional Practices
- Consultation and Evaluation
- Research
- Standards
- Advocacy
- Employment
- Recruitment and Affiliation
- Funding

Dues are graduated according to income categories.

Sylvia Gonzales
National Women's Studies Association
MAGS, Building EE
San Jose State University
San Jose, California 95192

- The Office of Women in Higher Education of the American Council on Education is concerned with strengthening leadership in postsecondary education by identifying and assisting women who have shown promise for major positions in academic administration, including deanships, vice presidencies, and presidencies. The office informally assists colleges and universities actively seeking women candidates for top-level administrative positions.

Office of Women in Higher Education
American Council on Education
1 Dupont Circle
Washington, D.C. 20036 (202) 833-4692

- The Project on the Status and Education of Women of the Association of American Colleges provides a clearinghouse of information about women in higher education. The Project activities have a dual focus: the status of women as employees and students in postsecondary institutions, and the education of women in general. The Project has developed a number of materials in both of these areas. Project publications include materials on Title IX and Federal requirements for nondiscrimination in education, on minority women and higher education, on recruitment of women and affirmative action in higher education, and on a number of other topical issues.

Project on the Status and Education of Women
Association of American Colleges
1818 R Street, N.W.
Washington, D.C. 20009 (202) 387-1300

BERNICE SANDLER
MARGARET C. DUNKLE
FRANCELLA GLEAVES
KAY MECKES

Director
Associate Director
Staff Associate
Staff Associate

Staff Assistants
ARLENE FONG CRAIG
CONNIE REID

DONNA R. SMITH
KATHLEEN WILSON

ROSTERS, REGISTRIES, AND DIRECTORIES OF WOMEN IN THE PROFESSIONS

Many institutions find rosters or lists of women in the professions a useful starting point in meeting their affirmative action commitments. In addition, these are often useful resources for finding women for search committees, speaking engagements and consultant appointments. For these reasons, the Project on the Status and Education of Women has compiled the following summary of rosters of women. **THIS SUMMARY UPDATES AND SUPERSEDES THE ROSTERS LISTED IN "RECRUITING AIDS #1 AND #2".**

Some, but not all, of the rosters summarized in this paper are described in more detail in Survey and Evaluation of Registries of Women in the Professions, which was published in October 1973 and updated in March 1974 by the Federation of Organizations for Professional Women. This publication is available prepaid for \$5.00 to non-members and \$2.50 to Friends and Affiliates from the Federation, 1346 Connecticut Ave. N.W., Suite 1122, Washington, D.C. 20036.

AMERICAN STUDIES: The Women's Committee of the American Studies Association has prepared a directory listing names, institutional affiliation, rank, area of expertise, teaching and administrative experience, publications, and other notable aspects of the careers of women by field. Although the directory does not list all of the women in the association, it includes about 225 women in multi-faceted fields, the social sciences, writing, literature, music, art, architecture, mass media, popular culture, education, and library science. The roster can be obtained by writing Lois P. Rudnick, Editor, 1 Logan Hall, University of Pennsylvania, Philadelphia, PA. 19174. Women wishing to be added to the roster should submit their vita to the same address.

ANTHROPOLOGY: The Committee on the Status of Women in Anthropology of the American Anthropological Association has prepared a roster of about 900 women anthropologists listed by field and geographic speciality. It includes name, address, position, degree, date and institution of degree, as well as a separate listing for graduate students. The list is available free of charge from Ernestine Friedl, Department of Anthropology, Queen's College, CUNY, Flushing, N.Y. 11367. Addendums are printed periodically.

ARCHITECTURE: The Alliance of Women in Architecture is attempting to gather the name and address of every woman in the U.S. who is currently or who has ever been a student of architecture. For information, write the AWA, 41 East 65th, New York, N.Y. 10021.

ART: The Women's Caucus for Art of the College Art Associations of America has prepared a women's job roster and placement information service to assist college and university art, art history and art education departments in expediting their affirmative action programs. The information includes address, telephone number, education, area of primary research and/or artistic activity, areas of teaching, positions held, and publications or exhibits. The service will respond to specific institutional requests by sending the vita sheets of women who appear to qualify for the positions described. As of August 1974 approximately 200 women were listed. To request the service contact Dr. Norma Broude, National Coordinator, Placement Information Service, Women's Caucus for Art, 1175 York Avenue, Apt. #12H, New York, N.Y. 10021. To be added to the roster, write Dr. Broude at the above address for the name of your regional coordinator.

ASIAN STUDIES: The Association for Asian Studies, Inc. has a roster of 715 women, listing the name, degrees, discipline, specialization, geographic area of interest, position, publications and address of each. It is available for \$1.00 prepaid from the Association for Asian Studies, Inc., 1 Lane Hall, University of Michigan, Ann Arbor, MI. 48104.

ASTRONOMY: The Working Group on the Status of Women in Astronomy of the American Astronomical Society has prepared a roster listing 221 names of women in the society and represents all fields in the profession. The roster and other information can be obtained by writing Dr. B.T. Lynds, Kitt Peak Observatory, 950 North Cherry Ave., Tucson, AZ. 85717.

BANKING: The National Association of Bank Women maintains a register listing over 10,000 women in all areas within the profession. Names are listed in the form of a yearbook. To obtain the register, contact Ms. Sharon Pierce, Assistant Executive Director, NABW, 111 E. Wacker Drive, Chicago, IL. 60601, phone (312) 644-6610. (Announcements of position openings or requests for nominations of women for committees are handled informally.)



BIOCHEMISTRY: The American Society of Biological Chemists maintains a registry of women and minority group biochemists, listing more than 800 names, addresses, race and/or ethnic affiliation, degrees, number of publications and job interests. The list (which is not to be used as a non-specific listing) contains information concerning women and minority group scientists holding doctoral degrees who are presently active in the field of biochemistry. This is a computerized registry so that names are retrievable by subspecialty and years of experience, as well as other items. A maximum of 50 "searches" can be made without cost after which there is a nominal charge. To request a "search," contact Information Engineering, American Society of Biological Chemists, 9650 Rockville Pike, Bethesda, MD. 20014. To be added to the list, eligible individuals can obtain a curriculum vitae form from Registry-Forms, American Society of Biological Chemists, 9650 Rockville Pike, Bethesda, MD. 20014.

BIOPHYSICAL SCIENCE: The Committee on Professional Opportunities for Women in the Biophysical Society has prepared a registry containing 9 lists of names. Lists 1, 2 and 3 give names, addresses and areas of expertise for 950 women who have held advisory roles at the National Institutes of Health. List 4 contains 874 women principal investigators of NIH research grants. List 5 has 600 women members of the Institute of Electrical Electronics Engineers. List 6 contains 600 women members of the Federated American Society of Experimental Biology. One hundred senior women members of the medical specialists and 224 women hospital administrators are given in lists 8 and 9 respectively. The list, which costs \$50.00 (\$200.00 for the list with vitae) can be obtained by writing Dr. Julia Apter, Rush Medical College, 1753 Congress Parkway, Chicago, IL. 60612. (The Committee also maintains a placement service for biophysicists.)

COMMUNICATIONS: Women in Communications, Inc. has a computerized roster which includes over 5,000 individuals in specialties, including newspaper, magazine, broadcasting, public relations, advertising, and writing. The directory, financed through membership dues, is for the use of members only. However, it is possible to cull names from their records of specialized mailings by field of employment. To request this service, contact Ms. Maxine Elam, National Executive Director, 8305-A Shoal Creek Blvd., Austin, TX. 78758; (512) 452-0119.

ECONOMICS: The Committee on the Status of Women in the Economic Profession of the American Economic Association has a roster listing 1100 women in all specialties within the field. The list includes education, current job, publications, and preferred employment by type and location. All position vacancies referred to the committee are sent to all women economists on the roster. To be placed on the list, contact H.B. Munzer, 131 Kent Street, Brookline, MA. 02146, (617) 731-1722.

EDUCATIONAL RESEARCH: The Women's Caucus of the American Education Research Association has prepared a card file (not available as a listing), which they use as a mailing list for the newsletter of the caucus. The list includes 137 members of the Women's Caucus. For information on becoming a member contact Ms. Noele Krenkel, 5401 Diamond Heights Blvd., San Francisco, CA. 94131; (415) 285-3844.

ENGINEERING: The Society of Women Engineers has prepared a roster of the 1,810 members of the society. Information includes name, address, occupation and business and home phone numbers. All areas of the professions are represented. Contact Dr. Naomi J. McAfee, 13 Seminole Ave., Catonsville, MD. 21228; (301) 765-3625 for more information on receiving the roster.

ENGINEERING STUDENTS: The Roster of Women and Minority Engineering Students lists about 2400 students (both female and male) from 148 schools who will be graduating in 1974 and 1975. It gives their name, sex, field of study, degree level, and ethnic group. The list is available only to those who contribute \$60.00 toward a continuation of the minority survey program of the Engineering Manpower Commission. To obtain the roster, write to Engineers Joint Council, 345 E. 47th St., New York, N.Y. 10017.

ENGLISH TEACHERS: The Women's Committee of the National Council of Teachers of English is developing a roster of women within the profession. For information on how to get listed on the roster, contact Dr. Janet Emig, Department of English, Rutgers University, New Brunswick, N.J. 08903.

GEOGRAPHY: The Committee on the Status of Women Geographers of the Association of American Geographers maintains a roster listing names, addresses, degrees, name and date of latest publication, Ph.D. dissertation or MA/MS thesis, current employment information and the individual's three major interests in geography. The list, which is financed through donation, includes about 250 names and can be obtained by writing Professor Ann E. Larimore, Committee on the Status of Women Geographers, University of Michigan, Ann Arbor, MI. 48104; (313) 764-0341.

HISTORY: The Committee on Women Historians, American Historical Association, maintains a computerized roster of women historians in all specialties. Information on each individual includes name, address, institutional affiliation, rank, degrees, institution, date of degree, dissertation subject and advisor, fields of specialization, publications, noteworthy aspects of teaching and administrative experience, as well as the willingness to consider job offers for teaching, archival/library, museum and administrative positions. This list of over 2,000 names can be obtained by writing Dr. Eleanor F. Straub, Women's Roster, American Historical Association, 400 A St. SE, Washington, D.C. 20003; (202) 544-2422.

IMMUNOLOGY: The Committee on the Status of Women of the American Association of Immunologists has a roster of approximately 160 women in specialties in the profession. Contact the present chairperson, Dr. Lisa Steiner, Dept. of Biology, MIT, Cambridge, MA. 02139 for a listing of women members and women immunologists seeking employment.

LAW: The Committee on Equality of Opportunity for Women in the Legal Profession of the Association of American Law Schools has compiled a roster, the "Directory of Women Attorneys in the United States," which lists names of more than 6,000 women attorneys. It includes names, addresses, the area of expertise and the individual's resume. It is available from Ford Associates, Inc., 701 South Federal Ave., Butler, IN. 46721 at \$10.00 per copy. Contact Prof. Shirley R. Bysiewicz, School of Law, Greater Hartford Campus, University of Connecticut, West Hartford, CN. 06117 for further information.

LIBRARIES: The American Library Association/Social Responsibilities Round Table/Task Force on Women has replaced its old roster system. The employer lists job openings with the service and subscribers contact the employer directly. Individual women can subscribe to the TFW BULLETIN BOARD for \$3.00 for six months (12 issues) through the Task Force Roster Coordinator Liz Dickinson, Technical Services Division, Hennepin County Library, 7001 York Ave. So., Edina, MN. 55435.

MATHEMATICS: The Association for Women in Mathematics of the American Mathematical Society has prepared a roster of women in fields of mathematics, applied mathematics, statistics, computer science and mathematical education and contains information taken from vitae sent in by the individuals listed. The list of 350-400 names can be obtained by writing Dr. Mary Gray, Dept. of Mathematics, American University, Washington, D.C. 20016; (202) 686-2393. In addition, the American Mathematical Society has a roster of 350-400 women with Ph.D.'s in mathematical sciences which is available for \$6.00 by writing the above address.

MEDICINE: The American Medical Women's Association and American Medical Association have prepared a directory of all women M.D.'s in the country. The 200 page directory lists approximately 30,000 women physicians geographically by state and city, alphabetically, and includes education, postgraduate training, hospital affiliations, membership in societies and special boards, and office address. The listing, "American Medical Directory of Women Physicians 1974," can be obtained for \$5.00 prepaid from: American Medical Women's Association, 1740 Broadway, N.Y., N.Y. 10019.

MODERN LANGUAGES: The Modern Language Association Commission on the Status of Women in the Profession has a directory listing name, title, rank, present institutional affiliation, institution and date of highest degree, major publications, honors, memberships and two or three current fields of interest. The directory also lists women who are unemployed, doing graduate work or working outside academia. The directory is intended to identify women scholars for teaching and research positions, administrative work, editorial posts, government positions, consultant services, and advisory committees. Over 2,600 women are listed in the directory, which can be obtained by writing MLA Publication Center, 62 Fifth Avenue, New York, N.Y. 10011.

MUSIC: The Commission on the Status of Women of the College Music Society has a roster of women included in the CMS Directory. The roster lists approximately 4000 women and is available for approximately \$7.00 from Craig Short, Executive Secretary, College Music Society, Department of Music, SUNY, Binghamton, N.Y. 13901; (607) 798-2433. The newest edition (1974-76) is expected to be published in mid-December 1974.

NON-TRADITIONAL FEMALE OCCUPATIONS: Women's Rights Task Force on Education, New Jersey has a roster (The Women's Directory, New Jersey, 2nd edition) listing name, address, phone number and profession of over 200 women in over 70 occupations. The roster, which lists only women who are employed in fields popularly considered to be the domain of men, can be obtained for 50c from Women's Rights Task Force on Education, 549 Lenox Avenue, Westfield, N.J. 07090.

PHILOLOGY: The American Philological Association's Women's Caucus maintains a roster of over 75 women within the association in the specialties of linguistics, ancient history, philosophy, Greek and Latin literature, and classical archaeology. The roster can be obtained by writing Prof. Sarah B. Pomeroy, Box 1264, Hunter College, 695 Park Ave., New York, N.Y. 10021; (716) 360-2406 or 799-9415. In addition, the newsletter of the caucus announces position openings.

PHYSICS: The Committee on the Status of Women in Physics of the American Physical Society maintains a roster of over 1500 women, listing name and address, highest academic degree, type of employer, name and address of employer, position title, type of work, employment status, and field of specialization. Students are listed separately. The roster costs \$5.00 and a supplement costs \$3.50 from the American Institute of Physics, Placement Office, 335 East 45th Street, New York, N.Y. 10017.

PLANNING: The American Society of Planning Officials expect to have a roster of women in the profession by November 1974. Contact the American Society of Planning Officials (1313 East 60th St., Chicago, IL. 60639); or the American Institute of Planners (1776 Massachusetts Ave., N.W., Washington, D.C. 20036; (202) 872-0611). Currently, the planners maintain a bimonthly job listing, available to members of the organization.

POLITICAL SCIENCE: The Committee on the Status of Women in the Profession of the American Political Science Association maintains a roster of approximately 500 women listing name, address, position, degree and fields, research interests, skills and experience. "Women in Political Science, 3rd Edition" (1973) is available for \$2.50 from Dr. Walter E. Beach, American Political Science Association, 1527 New Hampshire Ave., N.W., Washington, D.C. 20036; (202) 483-2512.

PSYCHOLOGY: The American Psychological Association has available a 1973 Biographical Directory with information on over 5,000 women members of the association in 23 areas within the profession. The directory is available for \$30.00 by writing the American Psychological Association, Publications Dept., 1200 Seventeenth St. N.W., Washington, D.C. 20036; (202) 833-7600.

PSYCHOTHERAPY: The American Women in Psychology's roster of 50 women therapists includes name, address, telephone number, highest degree, relevant training, licenses, experience, professional affiliation and services offered. It is available for 35¢ from KNOW Press, Inc., P.O. Box 86031, Pittsburgh, PA. 15221. Women wishing to be added to the list should contact Annette Briskly, Department of Psychology, University of Alabama, Box 6234, University, AL. 35486.

RELIGION: The Women's Caucus of the Religious Studies of the American Academy of Religion has a registry of more than 200 names of women in various religious fields. The registry lists name, address, field and specialization, degrees, institution and date of degree, present appointment, religious affiliation, title of dissertation or one other work, and location of dossier. It is available to non-members for \$1.50 from Dr. Carol Christ, Department of Religion, Kent Hall, Columbia University, New York, N.Y. 10027.

RELIGION: The Women's Theological Coalition of the Boston Theological Institute has a Doctoral Placement Service. A \$10.00 membership fee entitles women to bimonthly newsletters of job listings for teaching, administrative and campus ministry positions in colleges, universities and theological schools. Resumes of about 100 women actively seeking jobs are filed in the placement data bank. Write Rev. Barbara Gerlach, Director, Women's Theological Coalition, Boston Theological Institute, 210 Herrick Road, Newton Centre, MA. 02159.

SCIENCE: The Association of Women in Science and the Biophysical Society have a registry of over 5,000 women which gives a brief biography of each individual maintained on a card file, and can be used for recommendations for position vacancies and advisory bodies. The cost per search is \$25.00. For information, write Dr. Natalia Meshkov, Association of Women in Science, Room 1122, 1346 Connecticut Ave. N.W., Washington, D.C. 20036.

THEOLOGICALS: The Women's Caucus-Religious Studies publishes a "Registry of Women in Religious Studies." To be placed on the list or for any other information, write to Dr. Mary Wakeman, Co-Chairperson, Women's Caucus-Religious Studies, University of North Carolina, Greensboro, N.C. 27412. For a copy of the registry, write: Women's Caucus-Religious Studies, Box 6309 Station B, Vanderbilt University, Nashville, TN. 37235.

GENERAL: An excellent resource list, "Professional Women's Groups," compiled by the American Association of University Women, can be obtained by contacting Dr. Suzanne Howard, Assistant Director of Program - Higher Education, AAUW, 2401 Virginia Avenue, N.W., Washington, D.C. 20037. The 1975 edition is free of charge; the 1976 edition, coming in September 1976, will cost \$.25.

THE PROJECT ON THE STATUS AND EDUCATION OF WOMEN of the Association of American Colleges began operations in September of 1971. The Project provides a clearinghouse of information concerning women in education and works with institutions, government agencies, and other associations and programs affecting women in higher education. The Project is funded by the Carnegie Corporation of New York, the Danforth Foundation, and the Exxon Education Foundation. Publication of these materials does not necessarily constitute endorsement by AAC or any of the foundations which fund the Project.

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APPENDIXES

IDENTIFYING DISCRIMINATION—ANALYSES OF CASE EXAMPLES
(For Worksheet 2)

Appendix A

Example 1

Title IX of the 1972 Education Amendments, Title VII of the Civil Rights Act, Executive Order 11246, and the Equal Pay Act:

Male and female instructors carrying out equivalent job responsibilities must be paid comparably. Sex differentiation in pay (either in initial pay level and/or periodic increases) without evidence of substantial differences in the job functions or assignments is discriminatory.

Example 2

Titles VI and VII of the Civil Rights Act, Title IX of the 1972 Education Amendments, and Executive Order 11246:

Maintenance of job referral lists on the basis of race or sex is clearly in violation of Titles VI, VII, and IX. The University is also subject to Executive Order 11246 by virtue of its Federal contracts and grants.

Example 3

Title VI of the Civil Rights Act:

Practices that provide differential treatment of students on the basis of race are prohibited by Title VI. Discrimination on the basis of race in the notification of students regarding financial assistance opportunities would be prohibited.

Example 4

Title IX of the 1972 Education Amendments:

Differential housing requirements for female and male students violate Title IX requirements for nondiscrimination in the treatment of students. Use of such policies as a means of limiting the admissions of females would also be in violation of Title IX Regulation requirements for nondiscrimination in admissions to public undergraduate institutions.

Example 5

Title VI of the Civil Rights Act:

Title VI prohibitions of race discrimination apply to most activities of a recipient education institution. Differential treatment of Black students with regard to access to school facilities would be clearly discriminatory.

Example 6

Title IX of the 1972 Education Amendments, Title VII of the Civil Rights Act, and Executive Order 11246:

Differential provision of medical insurance and health services for male and female students and employees is prohibited by Title IX. Differential health services and benefits for female faculty members is also in violation of Title VII of the Civil Rights Act and Executive Order 11246.

Example 7

Title IX of the 1972 Education Amendments:

The Regulation implementing Title IX requires that education institutions effectively accommodate the interests and abilities of students of both sexes in club, intramural, interscholastic, and intercollegiate athletics. In providing this opportunity, institutions must ensure that male and female athletes are not treated differentially with regard to such variables, among others, as:

- provision of equipment and supplies
- scheduling of games and practice times
- provision of travel and per diem allowances
- coaching and academic tutoring
- locker room, practice, and competitive facilities

The case example indicates that the University does not adequately meet the interests of females in its athletic programs and does not provide support for the females who do participate in athletics which is equal to that provided for male athletes. Such practices are prohibited by Title IX.

Example 8

Title IX of the 1972 Education Amendments, Title VII of the Civil Rights Act, and Executive Order 11246:

Although the Title IX Regulation does not prohibit nepotism rules, they are prohibited when applied in a manner which results in a disparate impact on one sex. In this situation, the lack of policy specification would contribute to the potentially selective use of a nepotism prohibition as a practice to deny tenure to females on the basis of personal preferences or biases.

Example 9

Title VII of the Civil Rights Act and Executive Order 11246:

The assignment of an employee to a position on the basis of race would be a violation of equal opportunity principles. An applicant or employee is legally entitled to consideration for positions on the basis of his/her qualifications for those positions and without regard to his/her race.

Example 10

Title IX of the 1972 Education Amendments, Title VII of the Civil Rights Act, Executive Order 11246, Titles VII and VIII of the Public Health Services Act, and the Equal Pay Act:

The differential payment of male and female employees carrying out equivalent jobs is discriminatory. It is prohibited by the laws and the order listed above.

SAMPLE TITLE IX GRIEVANCE PROCEDURES A AND B—ANALYSES

(For Worksheets 6 and 7)

Appendix B

Overview:

An attempt to analyze the two sample grievance procedures according to the "Checklist for Evaluating the Content of Grievance Procedures" makes apparent the range of specificity and quality with which grievance procedures may be written.

Procedure A is so cryptic as to render specific evaluation almost unnecessary; it would clearly be difficult to use or to administer. It provides no guidance to potential grievants or decisionmakers, specifies no timelines or procedures for implementation, and gives no indication of what shall constitute a grievance or the criteria according to which grievance decisions are to be made.

In contrast, Procedure B is an excellent procedure. It is clear in all aspects, including both its procedural specificity and its protection of the rights of parties to a grievance.

Checklist responses:

Initiation and filing of grievances:

	Procedure A	B
--	----------------	---

Does the grievance procedure:

- | | | |
|---|-----|-----|
| 1. Provide clear and adequate definitions of who may grieve, of what issues may be covered by grievances, and of the terms used throughout the procedure? | No | Yes |
| 2. Cover all students and employees? | Yes | Yes |
| 3. Clearly state the form and procedure for filing of grievances? | No | Yes |
| 4. Specify any applicable time limits for the initiation of a grievance? | No | No |
| 5. Provide for assistance to grievants in the filing/preparation/processing of a grievance? | No | Yes |
| 6. Specify the responsibilities of institutional/agency staff for the receipt and initial handling of grievances? | No | Yes |
| 7. Provide methods for informal and prompt resolution of grievances when further processing is not needed? | No | Yes |

Processing of grievances:

Does the grievance procedure:

- | | | |
|---|-----|-----|
| 1. State the number and levels of steps for grievance processing and the criteria for initial referral to each level? | Yes | Yes |
|---|-----|-----|

B-1

	Procedure	
	A	B
2. State the form of grievance presentation and processing (oral/written; hearing officer/hearing panel, etc.) at each step?	No	No
3. Specify the criteria and procedure for the assignment of initial hearing levels?	No	Yes
4. Delineate procedures and responsibilities for notification of all parties at each processing level?	No	Yes
5. Delineate timelines for all activities within the grievance procedure?	No	Yes
6. Specify the procedures which shall be used in conducting grievance hearings?	No	
—amount of time allocated to each hearing?	No	No
—amount of time allocated to each party to the grievance?	No	No
—right of each party to representation and assistance?	No	Yes
—right of each party to present witnesses and evidence?	No	Yes
—right of each party to question witnesses?	No	Examiner's right
—roles of persons involved in the hearing?	No	Yes
—right of grievant to determine whether hearing shall be open to the public?	No	
—provisions/requirements for recording the hearing?	No	Yes
7. Specify any requirements for submission of written information by grievants or others?	In some cases	Yes
8. State the form and timelines for the preparation of grievance decisions?	No	Yes
9. Clearly state the procedures and timelines for the grievant's acceptance or appeal of grievance decisions?	No	Yes
10. Specify the roles and selection of persons involved in grievance processing?	Yes	Yes

Basic and procedural rights:

Does the grievance procedure:

1. Provide grievants with the right to appeal to progressive levels of decisionmaking?	Yes	Yes
2. Provide assurances regarding the impartiality of hearing officers?	In two cases	Yes
3. Provide for confidentiality of grievance proceedings if so desired by the grievant?	No	Yes

Procedure	
A	B
4. Provide for grievants' access to relevant institutional/agency records?	Examiners have access
5. Provide for the protection of grievants and respondents from harassment and entry of information into student and personnel files?	No Yes
6. Provide for confidentiality of grievance records if so desired by the grievant?	No Yes

SAMPLE TITLE IX GRIEVANCE ANALYSES

(For Worksheets 9-16)

Appendix C

In each instance, the answers provided are based on the assumption that the information provided in the grievance has been confirmed. These answers are meant to be suggestive of the types of actions which might be appropriate in each case; they are *not* inclusive.

Worksheet 9—J.J. Jefferson

Violation of Title IX—Yes

Differential treatment of students on the basis of sex in policies or practices regarding eligibility for in-state tuition or in rules which pertain to the marital status of students is in violation of Title IX. If spouses of students of one sex residing in the state are automatically granted resident status for tuition purposes, then spouses of resident students of the other sex must be granted the same status under the same conditions. [§86.31(b); §86.57]

Corrective actions:

- Immediately grant Mr. Jefferson resident status for tuition purposes
- Modify the policy regarding student eligibility for in-state tuition to ensure that spouses of resident students are eligible regardless of their sex and notify all relevant staff of its modification
- Revise all application forms, student handbooks, and other informational materials to reflect the nondiscriminatory policy

Remedial measures:

- Publish a notice of the policy modification in the student newspaper or in other communications to students; encourage any student eligible for in-state tuition rates who is not currently receiving such rates to notify the appropriate staff member or office

Worksheet 10—Grace Chung

Violation of Title IX—Yes

The Title IX regulation prohibits discrimination on the basis of sex with regard to: (A) the provision of any aid, benefits, or services to students [§86.31(b)]; (B) the provision of financial assistance to students [§86.37]; and (C) the provision of employment assistance to students [§86.38]. The use of different criteria for the granting of graduate assistantships to male and female students is in clear violation of these requirements. Awarding an assistantship to a male at the Master's level while denying one to a female because she is at the Master's rather than the Ph.D. level reflects the use of sex-differentiated criteria.

Corrective actions:

- Ensure that Ms. Chung is provided the assistantship which she was illegally denied, or an assistantship which is comparable in every way (both in responsibility and reimbursement) to that provided to the male student
- Develop written criteria for the awarding of graduate assistantships and ensure that these do not discriminate on the basis of sex; disseminate these criteria to all members of the Awards Committee

Remedial measures:

- Distribute written criteria for the awarding of graduate assistantships to all students; specifically encourage application by both females and males
- Insert in all application materials, student handbooks, recruitment materials, etc., a statement that assistantships are made available to students without discrimination on the basis of sex and that both females and males are encouraged to apply
- Develop guidelines regarding the nondiscriminatory treatment of students in all aspects of institutional policy and procedure; distribute these guidelines to all staff

Worksheet 11—Janet Culbertson

Violation of Title IX—Yes

The Title IX regulation requires that any education institution which provides full coverage health services must provide basic gynecological care. [§86.39]

Corrective actions:

- Ensure that Ms. Culbertson is provided immediate attention for her medical problem
- Obtain the services of a gynecologist sufficient to ensure that all students and employees eligible for medical services are provided basic gynecological services on the same basis as other medical services
- Examine all health service/insurance policies to identify and correct any which discriminate on the basis of sex with regard to basic gynecological services or other services
- Ensure that references to the availability of gynecological services are included in any literature which describes available medical services

Remedial measures:

- Notify all female students that gynecological services are available on an ongoing basis through the health service

Worksheet 12—Venetra Gray

Violation of Title IX—Yes

The Title IX regulation requires that institutions which award athletic scholarships or grants-in-aid must provide reasonable opportunities for such awards to members of each sex in proportion to the number of students of each sex participating in intercollegiate athletics. [§86.37(c-1)] The provision of scholarships to 16 male basketball players and the provision of none to female basketball players appears to be an instance of illegal discrimination.

Corrective actions:

- Ensure that Ms. Gray is provided a scholarship or grant-in-aid comparable to that of similarly situated male players
- Develop/modify the institutional policy regarding the awarding of athletic scholarships and grants-in-aid to ensure that students of both sexes are provided reasonable opportunity for aid in proportion to their participation in athletics; disseminate policy to all persons with responsibility for awarding athletic scholarships
- Review all athletic scholarship awards in relation to the number of students of both sexes participating in athletics; obtain funds as necessary to provide awards to correct sex discrimination identified

Remedial measures:

- Implement a campaign to inform all female athletes and prospective athletes of the athletic scholarship opportunities available to them and the procedures and criteria according to which such scholarships may be obtained; such a campaign might involve posters, brochures, student meetings, etc.

Worksheet 13—Dottie Sullivan and Ellen Marquez

Violation of Title IX—Yes

Sex-differentiated requirements regarding student housing are prohibited by the Title IX regulation. Institutions may not, on the basis of sex, apply different rules, impose different fees or requirements, or offer different services or benefits related to housing. If separate housing is provided for females and males, institutions must ensure that such housing is generally proportionate in quantity to the number of students of each sex applying, and comparable in quality and cost. [§86.32(a)(b)]

Corrective actions:

- Immediately permit Ms. Sullivan and Ms. Marquez to live in off campus housing of their own choosing, or modify the housing requirements to require all males to live in approved housing
- Modify all housing policies and regulations to ensure that they do not differentiate on the basis of sex, including but not limited to those policies pertaining to the right of freshmen students to live off campus; the approval of student housing by the college; and rules pertaining to visiting hours for members of the opposite sex in student dormitories

- Modify all student handbooks or housing information provided to students to reflect this nondiscriminatory policy
- Assure that proportional amounts of off-campus "approved" housing exists for both male and female students

Remedial measures:

- Notify all students of the modification in housing policies and requirements
- Train student orientation counselors to reflect new nondiscriminatory housing policies to new and prospective students
- Provide inservice training to residence hall staffs regarding implementation of the modified policies

Worksheet 14—Flo Perkins

Violation of Title IX—Yes

Job classifications may not be sex designated unless a bona fide occupational qualification (BFOQ) based on sex is involved (e.g., locker room attendant). Two factors mitigate against a BFOQ in this case: a) it has not been established that women cannot perform the job duties (including replacing light bulbs), and b) replacing light bulbs is not a major activity of the janitor's job. [§86.61]

Corrective actions:

- Ensure that Ms. Perkins is given fair consideration for the next available janitorial position
- Modify the job classification description to eliminate all gender-based differentiation

Remedial measures:

- Notify all personnel currently occupying matron or janitorial positions of the change in policy
- Review all classification descriptions and modify them as necessary to eliminate gender-based differentiation
- Develop written statements of skill requirements for all positions and provide all applicants the opportunity to be tested according to these job-related criteria

Worksheet 15—Angelina Kormanik

Violation of Title IX—Yes

Both Title IX [§86.54 of the regulation] and the Equal Pay Act prohibit differential payment on the basis of sex for jobs which require substantially equal skill, effort, and responsibility, and which are performed under similar working conditions.

Corrective actions:

- Raise Ms. Kormanik's salary to the level it would have been had her initial salary placement been nondiscriminatory (because of her higher merit increments, the salary should be slightly higher than those of her two colleagues)
- Modify all employment and compensation policies to ensure that they do not discriminate on the basis of sex; notify all staff with responsibilities for the hiring and compensation of personnel of this modification
- Inform relevant departmental personnel of their legal responsibility to ensure that Ms. Kormanik is in no way harassed as a result of her grievance action

Remedial measures:

- Review faculty salaries in all departments to identify any instances or patterns of sex discrimination; modify all discriminatory salaries identified to eliminate any discrepancies based on sex
- Conduct inservice training of all staff with responsibilities for personnel action related to hiring and compensation regarding the legal requirements for nondiscrimination
- Develop and publish procedures to protect all grievants from harassment resulting from their grievance action; notify all students and employees of these procedures

Worksheet 16—Jack Peterson

Violation of Title IX—Yes (Jack Peterson's behavior toward Anne Smith was the violation; not the "violation of professional rights" alleged in the counter-grievance.)

No student may be denied admission to an education program, course, or class on the basis of sex. [§86.34]

Corrective actions:

- Ensure that Ms. Smith is allowed to enroll in the tool and die-making course
- Monitor Mr. Peterson's course to determine whether Ms. Smith is being subjected to differential treatment on the basis of her sex
- Disseminate to all employers to whom the school provides recruitment assistance a statement of the school's policy not to discriminate on the basis of sex and of the school's obligation not to assist employers who so discriminate
- Ensure that the institution's policy regarding nondiscrimination in course and program admissions is clearly stated and available to all students and employees

Remedial measures:

- Develop and disseminate a brochure outlining students' rights to enter any course or program for which they are qualified without regard to their sex
- Develop and implement a program to recruit both females and males into vocational education courses which are nontraditional for their sex
- Implement inservice training for all instructional staff regarding the changing work force roles and the changing education needs of men and women.
- Implement efforts to encourage employers to hire students in jobs which are nontraditional for their sex